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# The Canadian Historical Review

NEW SERIES  
OF

## THE REVIEW OF HISTORICAL PUBLICATIONS RELATING TO CANADA

(FOUNDED 1896)

VOL. I.

TORONTO, DECEMBER, 1920

No. 4

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## REVIEWS OF BOOKS

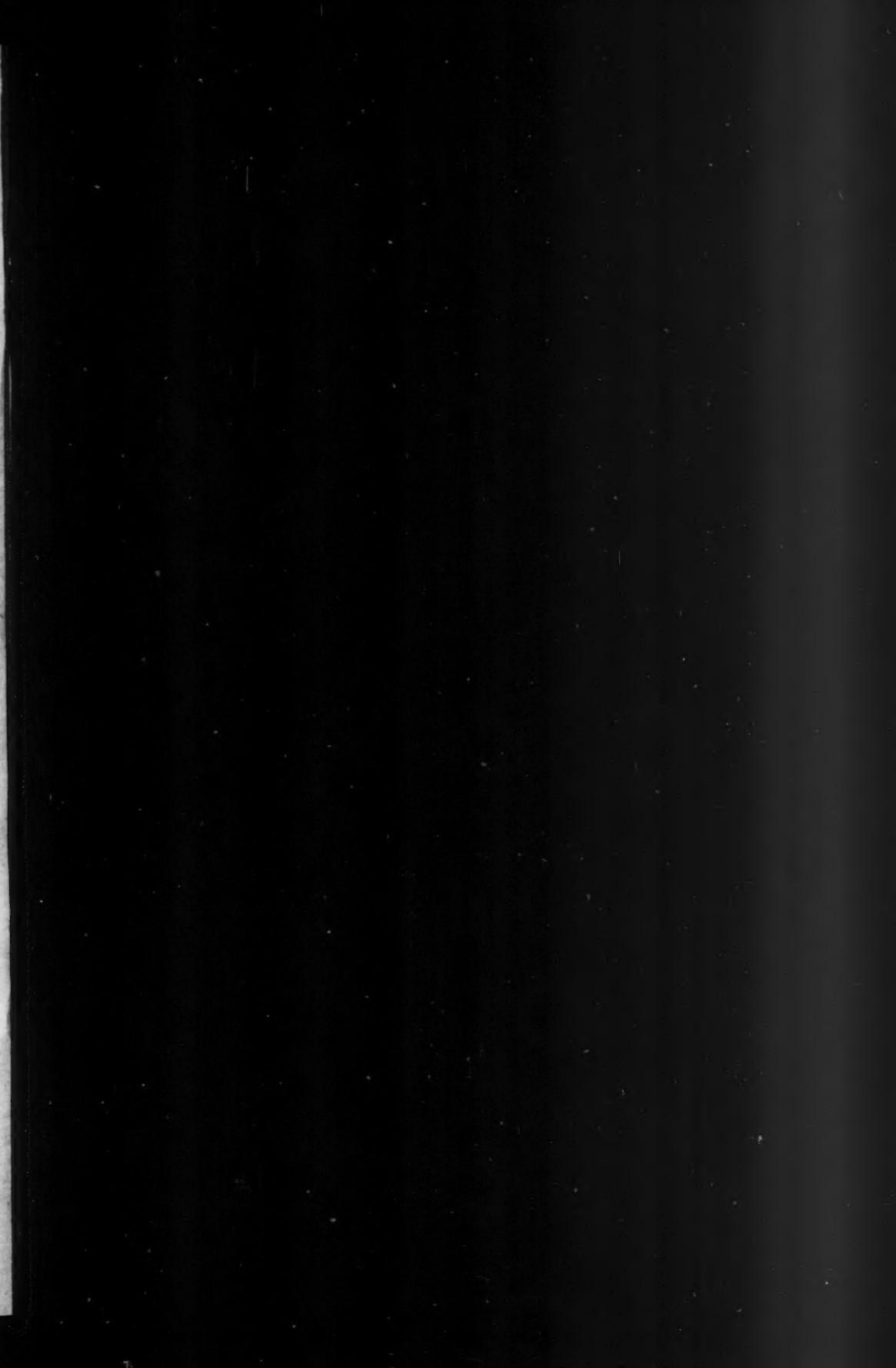
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# The Canadian Historical Review

VOL. I.

TORONTO, DECEMBER, 1920

No. 4

## NOTES AND COMMENTS

THE scope of THE CANADIAN HISTORICAL REVIEW may have seemed to some readers unnecessarily narrow. It may be urged—it has been urged—that Canadian history is a subject of minor significance, and that the need of the Canadian people is to be informed, not about their own history, but about the history of other countries. There might seem to be good sense in following the example of the *English Historical Review* and the *American Historical Review*, and attempting to cover the whole field of ancient and modern history. At some future date, indeed, it may become advisable to enlarge somewhat the scope of this REVIEW. But for the present, it would appear to be the part of wisdom for us to confine ourselves to what lies at hand. In France, reviews have been founded for the sole purpose of the special study of one episode of French history, the French Revolution; in Canada, it would not seem unduly unambitious for us to limit ourselves to the whole of Canadian national history, especially if this is understood to include those aspects of the history of France, Great Britain, and the United States, without a knowledge of which Canadian history is hardly intelligible.

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The idea, moreover, that Canadian history is a subject of minor significance is hardly true. The truth is that it has an importance and significance not always realized. Not only is the story of Canadian geographical exploration the story of the exploration of a very considerable part of the earth's surface; but the story of Canadian political development is one that bristles with

points of exceptional interest for the student of history and political science. Canada was not the first country which embarked on the experiment of federalism; but, in the history of federalism, Canada occupies a position of importance second only to that occupied by the United States, and the difference between the Canadian and the American experiments affords one of the most instructive contrasts in the whole sphere of modern government. But this is, after all, a comparatively trivial point. The real significance of Canadian history lies in the fact that, in the evolution of that new and unprecedented phenomenon, the British Commonwealth of Nations, Canada has played a leading part. It was in Canada that responsible government—a term apparently of Canadian origin—was first worked out in the colonial sphere; and it was here that the forces of colonial nationalism first found free play within the circle of the Empire. The American Revolution disrupted the Old British Empire; the Canadian Revolution—if one may apply that term to the long, gradual, and peaceful process whereby Canada has achieved self-government—has, far from disrupting the Newer British Empire of to-day, probably strengthened the ties which bind it together. The history of a country which has thus blazed a trail through a hitherto unconquered region of political science, must surely be of crucial interest, not only to the people of that country itself, but also to students of politics wherever they may be found.

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That the importance of Canadian history is being recognized abroad is becoming increasingly apparent. For a number of years now Canadian constitutional history has been one of the special subjects offered for study in the School of Modern History at the University of Oxford. Courses in Canadian history have also been established recently at other British universities, at London and elsewhere. In the United States, the subject has made its way more slowly. Before the war, so far as one's information goes, there was no university in the United States where Canadian history was a distinct subject of study. Within the last two or three years, however, a course in Canadian history has been established at Leland Stanford University, and placed in charge of a Canadian-born professor; and a similar course has been inaugurated at the Ohio State University. Signs are multiplying, moreover, that this is but a beginning, and that other universities are preparing to follow suit. In many of them, indeed, there are already offered courses in the history of the British

Empire, in which, inevitably, the history of Canada must play a considerable part. It is evident that the study of Canadian history is at last beginning to come into its own.

Perhaps, too, it may not be inappropriate here to point out the fact that the character of the work which has been, and is being, done in the field of Canadian history and government is also gaining recognition abroad. A proof of this is to be found in the growing welcome which Canadian scholars, speaking on Canadian subjects, have found before learned audiences in the United States. But the most striking recognition of the quality of the work being done by Canadian historical students is to be found in a very generous tribute which Sir Charles Lucas, himself a writer to whom the study of Canadian history is deeply indebted, has paid to it. Speaking at a meeting of the Royal Colonial Institute on April 27, 1920, Sir Charles Lucas is reported as having said: "No mention had been made of the work that appealed to him most, and that was the extraordinarily able work that was being done in the self-governing Dominions on the arts side, and the history side especially. The History School in Canada was one of which any country on the face of the world would be proud, and the result of its work, and of similar work in Australasia and, very especially in South Africa, was that the young nations were getting to know their history in an infinitely greater degree than we, at home, know our long and complicated past. This meant that they were acquiring a stronger sense of and pride in their nationhood, and a better foundation for the future." If THE CANADIAN HISTORICAL REVIEW can serve as the medium for the publication of work deserving half this handsome praise, it will have amply justified its existence.

In the present number of the REVIEW, we are glad to be able to publish several articles of first-rate importance. The paper by Dr. Archibald MacMechan, the Professor of English Literature at Dalhousie University, Halifax, traces a tendency in Canadian history to which little attention has hitherto been devoted by Canadian historians. In the paper entitled *The First "New Province" of the Dominion*, Mr. Chester Martin, the Professor of History in the University of Manitoba, not only tells for the first time in detail the story of the so-called "purchase" of the Hudson's Bay territories in 1869, and the creation of the province of Manitoba in 1870, but it is safe to say that he throws on these events a

wholly new light. The brief study of *The Portraits of Champlain*, by Mr. H. P. Biggar, the European representative of the Canadian Archives, not only shows conclusively that the portrait of Champlain which until recently passed as authentic is spurious, but traces the process by which the portrait came to be put forward as that of Champlain. Lastly, the reproduction of the hitherto unpublished journal of Walter Butler, edited by Mr. James F. Kenney of the Canadian Archives, places in print a most interesting document regarding the early history of what was destined to become Upper Canada.

## CANADA AS A VASSAL STATE

FOR the thoughtful observer of our domestic politics even the gloom of the world situation has been sensibly lightened by noting the eagerness with which the so-called Autonomists of Canada have for years been following a false scent, and the vehemence with which they are barking up the wrong tree. What they pretend to fear is being dragged at the wheels of empire. England is the enemy, or rather a desperate knot of modern Machiavellis who are plotting at the centre (with *The Round Table* for ally) to enslave our beloved Dominion, or at least to limit our powers of self-determination. Now, when a man begins to cherish delusions, to believe himself to be the victim of a widespread mysterious conspiracy, it is time to call in the nerve specialist. That way madness lies. Nor is it less true of a group of men and an organized propaganda.

Does any sane man, woman, or child in Canada really believe that Great Britain would send one ship, or fire a single gun, to retain our country in the bonds of unwilling allegiance? To put the question is to answer it. The situation is unthinkable.

What is even more amusing than all this misdirected energy of the Autonomists is their blindness, a blindness shared by most Canadians, to the very real danger of bondage to another power. That power is the United States of America.

The threats of American politicians, editors, and Fourth of July orators, the organized effort for "commercial union" in 1891, the avowed purpose of the Dingley tariff, the possibility of a quarrel between Canada and the United States ending in an appeal to arms, may be lightly dismissed. The danger is far more subtle and far more deeply to be dreaded. It lies in gradual assimilation, in peaceful penetration, in a spiritual bondage—the subjection of the Canadian nation's mind and soul to the mind and soul of the United States. No long argument is needed to prove the imminent and deadly menace of this danger, and nothing should touch the pride of a young, strong, and ambitious people

like accepting tamely a position of inferiority to a powerful neighbour. Without any outward fetter it is the situation of a spiritual slave. Enforced political subjection is the lesser evil; it would be easier to bear, for the spirit could still be free.

Historically, Canada is a by-product of the United States. The American "plantations" were never at their ease as long as the power of France was enthroned at Quebec. It was largely through their activity that the Golden Lilies gave place to St. George's Cross; then, as Parkman points out, the road to independence was open. The successful rebellion of the Thirteen Colonies created Ontario, whither were driven the upholders of a lost cause and a sullied flag. And Ontario made the three prairie provinces. The expulsion of the Loyalists also created the province of New Brunswick, and set an ineffaceable mark upon Nova Scotia. At the present time the most progressive, intelligent and desirable immigrants into our West are Americans. What our histories do not teach, and what our people do not realize, is how many Americans, who were anything but Loyalists, settled in Canada, and how strong, from the very beginning, has been the drag towards the United States. Few realize that one county of loyal Nova Scotia sent delegates to the Philadelphia Congress of 1776, that there was a tea riot in Halifax, and that part of the population were active "sympathizers" with the "rebels" all through the Revolutionary War. General Cruikshank has shown how large was the disloyal element of American settlers in Ontario during the war of 1812. If the political "unpleasantness" of 1837 had reached its consummation, if Papineau and Mackenzie could have worked their will, Ontario and Quebec would now be states in the American union. It may be fairly argued that they were patriotic leaders, wise statesmen far in advance of their time, anticipating Goldwin Smith in their vision of Canada's manifest destiny, and that they will be justified by history. In the mean time, let their activities serve as illustration of the political "set" towards the United States. Another is the avowed movement towards annexation in 1849. There are Canadians who are not proud that their forebears signed the Montreal manifesto. Lord Elgin wrote that annexation was considered to be the remedy for every kind of Canadian discontent. He was haunted by the fear of it all through his tenure of office. Annexation had been preached by the radical journals for years; and it was confidently expected by politicians in the United States. The latest attempt at this form of national suicide was in 1891, and

it revolted the soul of Edward Blake. These facts indicate how currents of political thought have run. All are symptoms of the same general tendency of the greater to absorb the less. The sucking wave created by the passage of a huge liner through the water drags small craft into its wake. The *New York* drew H.M.S. *Gladiator* into its sphere of influence, with disastrous results. Which things are a parable.

It is inevitable that the United States should exert a tremendous influence upon Canada. Our domains march together for three thousand miles. The same speech, the same laws, the same religions prevail on both sides of the border, as Goldwin Smith was never weary of preaching. Intercourse between the countries is easy. A standard gauge and common courtesy have made the continent one country for purposes of railway transportation. C.P.R. cars may be seen in Texas, and Omaha and Santa Fé in Cape Breton. Traffic between Canada and the United States is far easier than between the separate colonies of the Australian Commonwealth. Then, our neighbours are many and rich; we are few in the land, and until lately we were very poor. Hundreds of thousands of Canadians have been drawn across the border, because of the better opportunities for making a living, and for making money, under the Stars and Stripes. All these things were inevitable, and tend to make of Canada nine more states not yet brought formally under the control of Washington.

But our spiritual subjection goes deeper. Canada has definitely, if tacitly, declared her position as between American and English ideals. To begin with the individual. The most popular set of caricatures ever designed in this country were Racey's portrayal of the green "young Englishman" and his mistakes, much as the "new chum" is represented in Australia. The Englishman's accent, voice, manner, clothes are considered odd, departing from the norm. The American's are not, because they do not strike us as different from our own.

Take the most potent influence at work to-day upon the popular mind, our journalism. Hundreds of thousands of Canadians read nothing but the daily newspaper. Not only is the Canadian newspaper built on American lines, but it is crammed with American "boiler-plate" of all kinds, American illustrations, American comic supplements. American magazines, some of them distinctly anti-British in tone and tendency, flood our shops and book-stalls. Every new Canadian magazine is on an Ameri-

can model, some of them borrowing an American title and changing only the national adjective. *The Week*, founded on the English model, is dead; and so is *The University Magazine*.

Another potent influence for bringing Canada into spiritual subjection to the United States is the moving-picture show. The films are made for American audiences, naturally, to suit their taste. Then, they come to Canada. We originate none, practically. I dropped into a "movie" theatre in a small Nova Scotian town. It was filled with noisy, excited children. The point of the plot was the continual thwarting of a villain through the agency of several small boys and girls. They occurred and recurred in a sort of procession, the leader carrying the Stars and Stripes; and whenever they appeared the little Bluenoses cheered like mad.

The case of Capital and Labour in Canada is notorious. Self-determination is a joke. The price of our steel products is fixed in New York, and our Nova Scotia miners obey the orders of a *Vehmgericht* in Indianapolis. The protective tariff has forced many American firms to establish branches in Canada. A large part of our prosperity is due to this exhibition of American enterprise, and not to the initiative of our own business men. Our business methods are American, with the exception of our great banking system.

American influence is seen even more plainly in our universities. The curriculum, text-books, methods of teaching, oversight of students, "credits," are borrowed from the United States. Organization and administration are on the American model. Among the students, American ideas prevail. Such matters as Greek letter societies, class organizations, with president, prophet, critic, and "exercises," down to the big initial on the football sweater and the curious war-cries known as class and college yells, are borrowed directly from American colleges. Our students did not originate these ideas; they borrowed them. The Dalhousie "yell," for example, was introduced by an American teacher of music.

Canadian sport has become more and more American. Our one native game, lacrosse, is dead. Cricket, which flourishes in Australia, is here a sickly exotic. But baseball is everywhere. Our newspapers are filled with reports of the various "leagues."

In minor matters, the popularity of such toys as the Teddy-bear, that curious tribute to the worth of an American president, the spread (by seductive advertising) of the chewing gum habit,

the establishment of the automatic chewing gum machine, that monument of progressive civilization, are all to be reckoned with. Our fashions in clothes are decreed for us in New York, whither our tailors resort yearly to ascertain "what will be worn"; and our youths develop knobbly shoulders, semi-detached trousers with permanent cuffs or hour-glass waists, according to the whim of certain multiples of nine in the commercial metropolis of America. All these are straws showing how the wind blows.

The list of such straws might be extended indefinitely. No Canadian ever invents a new slang term. All our slang is brought in and distributed by the American "shows," of one kind or another. We have imported Thanksgiving Day, a heathen festival of autumn, as Goldwin Smith points out, Labour Day, Arbor Day, Mothers' Day. As soon as our cousins south of the line decide to celebrate Great-grandmothers' Day we will uncritically adopt it too. Fate has even underlined this tendency by placing our national birthday on the First, beside the American Fourth, of July. Our very coinage bears the impress of our neighbours' customs. Our children call cents "pennies" (thus showing that the half is at least equal to the whole), and our pretty five cent silver pieces they call "nickels," after their ugly American equivalents. The government mint itself has followed the stream of tendency and issued cents the size of the American cent. Our police uniform badges and clubs are American. Our patriotic buttons—An Amerian idea—are made in Newark, New Jersey.

The wholesome but unpleasant truth has been uttered by an American historian. At the end of his *True History of the American Revolution*, Mr. Fisher speculates as to what Americans would have developed into had there never been any break with England. His judgment is, "We might have been a tamer, less inventive people, like the Canadians."

"Tamer and less inventive." The only way to controvert such an opinion is to point to our inventions. We invent nothing. The various fraternal orders invade us from the United States. The Rotary Club is another instance. It is, no doubt, an admirable organization, though intrigued by the title I was personally disappointed to find that the Rotarians did not rotate on their own axes like the Whirling Dervishes. But why did not a Canadian invent it? Why must we be always borrowing ideas from our big neighbour?

Reviewing all these facts the pessimist may well shake his head and sigh: "Perhaps, after all, it is not worth while struggling

on, trying to make Canada a distinct nation. Best give up the struggle. Work along the line of least resistance. Perhaps the utmost we can ever hope to become is a poor pale imitation of the United States."

But the optimist will have his say, as well. "Confronting all these facts, and many more which might be alleged, I find that there always has been a viewless force making for national unity, not only strong enough to resist the drag towards absorption in our neighbour state, but to create a national spirit, a national character, a national unity. That spirit is now more potent, that character more clearly defined, that unity more compact than ever before. A whole set of factors have been omitted from your calculation. The test of a man's courage, energy, resource is how he acts in a sudden, unforeseen emergency, a matter of life and death. So of nations. The supreme test for Canada came in August, 1914. She did not hesitate for one moment. No doubt clouded her judgment; she saw at once the issues of the struggle as clear as the sun at noon-day. At once she took her side for life or death. With incredible youthful energy she hurried her first army to the relief of Mother England. Six weeks after the declaration of war, thirty-three thousand armed, equipped and organized fighting Canadians were on their way across the Atlantic. To her lovers in those great and gallant days Canada seemed the lady knight, Britomart, beautiful and terrible, hastening to the field, and buckling on her armour as she ran. Of the Canadian Army, Currie could say, as Cromwell said of his Ironsides, 'Truly, they were never beaten.' Ypres, Vimy, Passchendaele, Bourlon Wood, and a hundred other fights, bear witness to that saying. Our enemies themselves being judges, the Canadians were the shock troops of the British Army. And was there a single failure at home, behind the fighting line? Was there ever a halt in the stream of men, money, aid of every kind, pouring across the seas to their relief? In the darkest days of the great defeat, was there ever the flutter of a white flag from one end of Canada to the other? Did a single newspaper ever hint at surrender or compromise with the foe? And our glorious women—how they toiled! How nobly they bore their losses! How they tended the wounded, cared for dependents, nursed, and comforted and educated the broken men back from the war! From first to last, at home and abroad, the record is of imperishable glory. On Canada's escutcheon there is not the slightest blot. For four years Canada lived on the heights of heroism. The national spirit revealed in the

fierce storm of war was alive, if latent, before the war; it is alive now. It has the power to shape a national ideal worthy of Canada's part in the great struggle and to lift our people to its height."

ARCHIBALD MACMECHAN

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## THE FIRST "NEW PROVINCE" OF THE DOMINION

THE present year is remarkable for a unique series of anniversaries in the history of Western Canada. May 2 was the quarter-millennium of the granting of the Hudson's Bay Charter. April 8 was the centenary of the death of Selkirk, the first to establish permanent settlement, as distinct from the fur-trade, west of the Great Lakes. July 15 was the jubilee of the entrance of Manitoba into the Canadian Confederation.

All three episodes were beset with legal or political controversy; a characteristic of western history that is found to be even more pronounced, perhaps, than the mystery and romance usually associated with vicissitudes of discovery and adventure. The Charter was assailed periodically for two centuries, and it survived largely through sheer longevity and the excesses of its enemies. Selkirk's project, which saved what is now the province of Manitoba from the fate of Oregon, was almost strangled by litigation which not only dwarfed the Red River Settlement for more than a whole generation but sent its founder to an early grave. Similarly, the whole political history of Manitoba, from the Manitoba Act—which was found to be largely *ultra vires* of the Federal Government—to the Remedial Bill and the "Natural Resources Question", has been complicated by constitutional issues of the first magnitude, many of them even yet undetermined. Constitutional principles, as Abraham Lincoln once said of the American Constitution during the Civil War, have "had a rough time of it"; and practically all of these issues are traceable, directly or indirectly, to the conditions under which Manitoba, and indeed the whole of Rupert's Land and the "North-Western Territory", entered the Canadian Confederation in 1870.

Despite the fact that the events of 1870 bear all the marks of haste and unpreparedness, Canadian expansion westward had been generally accepted for nearly fifteen years, in Canada and even in Great Britain, as an inevitable development. Free trade in furs,

conceded at the Red River Settlement after the Sayer trial in 1849, attracted both Canadian and American enterprise until in the year 1856 no fewer than five hundred Red River carts plied between Fort Garry and the American border. In September of that year Vankoughnet, the president of the Canadian Executive Council, declared that the western boundary of Canada ought to be the Pacific, and the suggestion was "echoed throughout the province by the press and by public men of all degrees."<sup>1</sup> Canadian representatives appeared before a sub-committee of the Select Committee of the British House of Commons in 1857, though the impression which they created was not particularly favourable. When the famous *Report* upon the Hudson's Bay Company appeared in that year it was found to contain the recommendation that "the districts on the Red River and the Saskatchewan" should be "ceded to Canada on equitable principles" by "arrangements as between Her Majesty's Government and the Hudson's Bay Company."<sup>2</sup>

The interest in the West during the following decade—too general and too well sustained to be the work, as many professed to believe, of a few enthusiasts—is to be traced in a remarkable variety of activities: surveys for the "Dawson route" to the Red River Settlement, the Hind expedition to report upon the prospects for settlement, the incorporation of the North-West Transit Company, and an attempt to establish a Canadian mail service in 1858. Hitherto the Canadian policy had been directed against the validity of the Hudson's Bay Charter: with something more than disregard for the interests of that Company and with a degree of vehemence which did not inspire confidence in British official circles. In 1859, however, vindication by law was definitely abandoned in favour of political negotiations with the Imperial government. The Canadian executive council, confronted by the necessity of making good their claims by judicial action, declined to "advise steps to be taken for testing the validity of the Charter by *scire facias*".<sup>3</sup> The decision is only partially to be attributed to uneasiness with regard to the outcome, for Confederation was already in the air, and sympathetic parliamentary action was both cheaper and less precarious than litigation. Among the positive as distinct from the negative incentives to Confederation—the

<sup>1</sup> *Report from the Select Committee on the Hudson's Bay Company*, 1857, p. 249.

<sup>2</sup> *Report from the Select Committee*, 1857, p. iv.

<sup>3</sup> *Papers relative to the Hudson's Bay Company's Charter and Licence to Trade*, 1859, p. 5.

constructive attempt to achieve something better as distinct from the attempt to escape from something worse<sup>1</sup>—the prospect of westward expansion to the Pacific was not the least considerable. The last executive council of the old province of "Canada" recorded its conviction (June 22, 1866) that "the future interests of Canada and all British North America were vitally concerned in the immediate establishment of a strong Government there, and in its settlement as a part of the British Colonial System".<sup>2</sup>

When Confederation was finally consummated, provision was made in the British North America Act, 1867, "on address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act" (section 146). Pursuant to this section of the B.N.A. Act, 1867, the Canadian Senate and House of Commons during their first session (December 16 and 17, 1867) passed a joint address in which they prayed to be allowed to "assume the duties and obligations of government as regards these territories" and urged "the formation therein of political institutions bearing analogy, as far as the circumstances will admit, to those which exist in the several provinces of the Dominion".

Such in very brief outline were the preliminaries to the measures that were taken in 1868 to "admit Rupert's Land . . . into the Union" under section 146 of the B.N.A. Act of 1867 and "subject to the provisions of this Act". It soon became obvious that there were very grave difficulties in the way. One series of difficulties was chiefly constitutional in character, and the discussion of these difficulties naturally took place in London. A second series, chiefly political, came to an issue at the Red River Settlement. A third, chiefly legal and statutory, centred naturally at Ottawa. The nature of these difficulties and the various expedients by which they were eventually overcome would seem to warrant examination in some detail, because it is scarcely too much to say that these have altered profoundly, not only the amplitude, but in some respects the very nature, of the Canadian Confederation.

<sup>1</sup> "Danger of impending anarchy."—Sir John A. Macdonald. "We cannot go back to chronic sectional hostility and discord."—George Brown. "We would be forced into the American Union."—Taché.

<sup>2</sup> Quoted afterwards with significant approval by the Colonial Office, Granville to Young, Nov. 30, 1869, *Correspondence connected with Recent Occurrences in the North-West Territories*, 1870, p. 139.

## I. THE CONSTITUTIONAL DIFFICULTIES

The chief constitutional difficulties arose from the divergent views of the three chief parties to "the transfer".

Throughout the developments hitherto the attitude of the Hudson's Bay Company seems to have been regarded as a secondary consideration: a fact which is not altogether to be explained by the vehemence of Canadian claims or the apathy of the British government. The old Company had been bought in 1863 by the International Financial Company, with Sir Edmund Head himself as the new Governor. It was argued, not without a measure of justice, that the purchase of Hudson's Bay stock with full knowledge of the conditions weakened very materially any claim which the old Company might have advanced for special consideration.

The *Prospectus* of the new directorate in 1863, however, announced a radically new policy of "colonization under a liberal and systematic scheme of land settlement" and "in accord with the industrial spirit of the age". It was the first official avowal of settlement, as distinct from the fur-trade of the Company, since the death of Selkirk. A resolution of the committee in August, 1863, was "intended to indicate their desire for the establishment of a Crown Colony in this portion of their territory". As late as February, 1869, in fact, the Governor of the Company informed the Colonial Office that "they still believe that this would be the most satisfactory plan that could be pursued, and they are prepared to discuss it with Her Majesty's Government if they are encouraged to do so".<sup>1</sup> Had this course been pursued—had Assiniboia, like Prince Edward Island and British Columbia, been in a position to enter Confederation after negotiations upon terms mutually satisfactory to both parties—many of the bitterest controversies of the last fifty years might have been avoided. The proposals of the Company in 1864, however, included the retention of an extensive proprietary interest in the land,<sup>2</sup> and this suggestion the Colonial Office very justly refused to entertain. The

<sup>1</sup> Northcote to Rogers, Feb. 26, 1869, *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 38.

<sup>2</sup> Letters from the Company dated Apr. 13 and Dec. 7, 1864, and from the Colonial Office, Mar. 11, Apr. 6 and June 6, 1864. "The compensation should be derived from the future proceeds of the lands, and of any gold which may be discovered in Rupert's Land, coupled with reservations of defined portions of land to the Company."—*Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 22.

chief reasons are stated to Sir Edmund Head in terms which leave nothing to be desired: "In an unsettled colony there is no effectual mode of taxation for purposes of government and improvement, and the whole progress of the Colony depends on the liberal and prudent disposal of the land. . . . It is clear that colonists of the Anglo-Saxon race look upon the land revenue as legitimately belonging to the community".<sup>1</sup>

The failure of negotiations in 1864 and the evidence that the new Canadian Confederation had the support of the Colonial Office in aspiring to a transcontinental Dominion resulted in a complete change of front, therefore, on the part of the Company when negotiations were resumed in 1868 for the transfer of Rupert's Land and the "North-Western Territory" to the new Confederation. There was a natural reluctance amounting to a decided refusal to accede to the transfer upon the basis of the B.N.A. Act of 1867 (section 146) alone, since this would have left the chartered rights of the Company in Rupert's Land, for which compensation was not unjustly demanded,<sup>2</sup> to the tender mercies of Canadian courts. The attitude of Chief Justice Draper during the controversies of the fifties did not promise a very sympathetic regard for the claims of the Company, and it was not difficult in 1868 to adduce evidences of deliberate design from the speeches of Canadian statesmen.

The Company, therefore, was inclined to insist upon something more tangible than "such terms and conditions as are in the Addresses expressed" by the Canadian Houses of Parliament or even such "as the Queen thinks fit to approve, subject to the provisions of this Act". The Colonial Secretary<sup>3</sup> indeed made it clear to the Canadian government, in a despatch which deserves the most careful consideration, that the Colonial Office not only conceded the point but contemplated an Imperial bill to safeguard the Company:

The Company have held their Charter, and exercised privileges conferred by it, for 200 years, including rights of government and legislation, together with the property of all the lands and precious metals; and various eminent law officers, consulted in succession, have all declared that the validity of this Charter cannot justly be disputed by the Crown. . . .

<sup>1</sup> *Correspondence relating to the Surrender of Rupert's Land*, 1869, Appendix iii, p. 68.

<sup>2</sup> Cf. the views of the Colonial Secretary quoted below. *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 12.

<sup>3</sup> The Duke of Buckingham and Chandos.

I have, on behalf of Her Majesty's Government, called upon the Company to state the terms upon which they would be prepared to surrender to the Crown whatever rights they have over the lands and precious metals, including the rights of government....

I propose to introduce a Bill into the Imperial Parliament.... authorising the subsequent transfer to the Canadian Government of the rights and powers to be acquired by the Crown in respect to Government and property, in accordance with the prayer of the Address.

With respect to the North West Territory, the same obstacles do not exist to the transfer of the greater part by the Crown to Canada at the present time....<sup>1</sup>

It thus came to pass that the original instrument of cession (the B.N.A. Act of 1867, section 146) was supplemented by the Rupert's Land Act of 1868, providing specifically for two things: (a) the surrender of chartered rights in Rupert's Land to the Crown "upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company", and (b) that by Imperial Order in Council, Rupert's Land "shall, from a Date to be therein mentioned, be admitted into and become a Part of the Dominion of Canada".<sup>2</sup> It is to be observed that the second of these merely confirms the B.N.A. Act of 1867, section 146, while the first relates only to the surrender of the Company's chartered rights to the Crown, a transaction in which Canada is as yet in no way concerned. The Canadian delegates, Cartier and McDougall, pointed out emphatically that the Rupert's Land Act "was not introduced at the instance or passed in the interest of the Canadian Government", and that it "placed the negotiations of the terms of surrender by the Company to the Crown in the hands of Her Majesty's Government where . . . we are of opinion it must remain".<sup>3</sup>

The Rupert's Land Act, therefore, was designed to secure compensation for the Hudson's Bay Company for the surrender of chartered rights to the Crown. With regard to the form of that compensation, the Company had developed very decided views. The retention of proprietary rights over the land had long since been abandoned as a result of the negotiations of 1864. At the half-yearly meeting of Hudson's Bay shareholders during the

<sup>1</sup> Duke of Buckingham to Viscount Monck, Apr. 23, 1868, *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 12.

<sup>2</sup> 31 & 32 Vic., c. 105, ss. 3 and 5.

<sup>3</sup> *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 44.

summer of 1868, the demand was formulated for "the payment, as compensation, of a sum of hard money", the sum of "one million sterling, in bonds" being mentioned by the Company's officials as a settlement which "might be acceptable to our proprietors".<sup>1</sup> It was thus that the demand for "compensation" for the surrender to the Crown came to complicate the constitutional procedure for the other two parties to the transfer.

The second party in the case, the Imperial government, sought to play throughout a detached and judicial role. There is discernible a very marked inclination to shift the burden of responsibility for the West to the shoulders of the young Dominion, and the chief concern of the British government seems to have been to effect the transfer with the maximum of speed and the minimum of friction. The rights of the Hudson's Bay Company in Vancouver Island by the Letters Patent of January 13, 1849, had been re-purchased in 1867 for £57,500.<sup>2</sup> The money had been paid by the British Treasury, and the colony proceeded to develop towards responsible government with all its natural resources at its disposal. The provision in the Rupert's Land Act for the surrender of Hudson's Bay chartered rights in Rupert's Land to the Crown "upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company", seemed to imply the same procedure with regard to Rupert's Land. The Canadian delegates, as already noticed, were not backward in suggesting as much to the Colonial Office, but they discovered with some dismay that the British government expected the parental obligations which the mother country had discharged towards Vancouver Island to be discharged towards Rupert's Land by the new foster-parent. When the Rupert's Land Act, which was introduced in the House of Lords, reached the House of Commons, it was amended by a very significant proviso which has supplied the cause—or rather, it must be said, the pretext—for a whole half-century of mischief. The section (31 &

<sup>1</sup> Kimberley to Rt. Hon. C. B. Adderley, Oct. 27, 1869, *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 25.

<sup>2</sup> "In consideration of the sum of fifty-seven thousand five hundred pounds, so paid by or on behalf of Her said Majesty to the said Company . . . they the said Company do for themselves and their successors by these presents, grant, convey, yield up and surrender unto Her said Majesty, Her Heirs and Successors, all that the said Island called Vancouver Island, together with all Royalties of the Seas . . . and all mines Royal, and all rights, . . . and appurtenances whatsoever to the said Island."—*Indenture of April 3, 1867. Report on British Columbia, Can. Sessional Papers, 1872, No. 5, Paper No. 10, Appendix TT*, p. 237.

32 Vic., c. 105, s. 3) providing for the surrender to the Crown "upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company" was amended by the stipulation that "no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom".<sup>1</sup>

It became evident, therefore, that if "the payment, as compensation, of a sum of hard money", was indispensable for the surrender of the Company's chartered rights in Rupert's Land to the Crown, and if this "payment" was to involve "no Charge . . . upon the Consolidated Fund of the United Kingdom", it would be necessary for Canada to undertake the compensation of the Hudson's Bay Company. *Hinc illae lacrymae*; and it is not difficult to trace the reluctance with which this was undertaken by the third party in the case.

From the date of the abandonment of judicial proceedings by *scire facias* in 1859, the "Canadian" government, and after 1867 the government of the Dominion, had consistently contended for the direct cession of Rupert's Land to Canada by Imperial Order-in-Council without reference to the claims of any third party in the case. The Canadian delegates, in a memorandum approved by the Canadian Privy Council, December 28, 1867, expressed "the opinion of the Canadian Government, that it is highly expedient that the transfer which the Imperial Government has authorized, and the Canadian Parliament approved, should not be delayed by negotiations or correspondence with private or third parties".<sup>2</sup>

The Canadian delegates, as already indicated, declined from the first all responsibility for the terms of surrender by the Company to the Crown: the Rupert's Land Act had "placed the negotiations . . . in the hands of Her Majesty's Government where . . . we are of opinion it must remain." The "Terms and Conditions" of surrender to the Crown, therefore, were drawn up categorically by the Colonial Office and forced upon both parties by more than gentle pressure.<sup>3</sup> To the end, Canada continued to demand "either the immediate transfer of the sovereignty of the

<sup>1</sup> *Hudson's Bay Company Bill (H.L.) Commons Amendment*. Ordered to be printed, 23rd July, 1868. The Rupert's Land Act received the royal assent, July 31, 1868.

<sup>2</sup> "Whose position, opinions, and claims have heretofore embarrassed both Governments in dealing with this question."—*Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 3.

<sup>3</sup> *Correspondence relating to the Surrender of Rupert's Land*, 1869, pp. 40-45.

whole territory, subject to the rights of the Company, or a transfer of the sovereignty and property of all the territory not heretofore validly granted to, and now held by, the Company under its charter."<sup>1</sup>

When the amount of the pecuniary "compensation" for the surrender to the Crown was finally fixed at £300,000, the payment was regarded by the Canadian delegates as a species of settlement by compromise out of court. In their acquiescence in the proposals of the Colonial Office, the payment to the Hudson's Bay Company is referred to as the "cost of legal proceedings necessary, if any be necessary, to recover possession . . . Compromises of this kind are not unknown in private life, and the motives and calculations which govern them may be applicable to the present case."<sup>2</sup>

Nowhere, perhaps, was the whole transaction more succinctly described in its constitutional aspect than by the Canadian delegates themselves: "The surrender of the powers of government and of territorial jurisdiction by the Company to the Crown, and the transfer of these powers to the Canadian Government, are acts of State, authorised by Imperial Statute, and will have all the force and permanence of fundamental law."<sup>3</sup>

Despite the constitutional difficulties, therefore, by which the whole transaction was beset, the actual transfer took place with scrupulous regard for sound British constitutional procedure. The deed of surrender from the Company to the Crown is dated November 19, 1869. It was provided by the Rupert's Land Act, section 4, that "Upon the Acceptance by Her Majesty of such Surrender, all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, . . . whatsoever granted . . . to the said Governor and Company within Rupert's Land . . . shall be absolutely extinguished."

The deed of surrender was received by the Colonial Office on May 9, 1870, and upon the same day Sir John Rose, on behalf of Canada, was "requested to pay over the sum of 300,000*l.* to the Company."<sup>4</sup> The receipt of the payment (from Messrs Baring and Glyn) was acknowledged by the Company on May 11.<sup>5</sup> The

<sup>1</sup> *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 37.

<sup>2</sup> Cartier and McDougall to the Colonial Office, Feb. 8, 1869, *Report of Delegates appointed to negotiate for the Acquisition of Rupert's Land and the North-West Territory*, Ottawa, 1869. This report was formally approved by Order in Council, May 14, 1869.

<sup>3</sup> *Correspondence relating to the Surrender of Rupert's Land*, 1869, p. 45.

<sup>4</sup> Rogers to Lampson, *Recent Disturbances in the Red River Settlement*, 1870, p. 214.

<sup>5</sup> Lampson to Under-Secretary for the Colonies, *Recent Disturbances in the Red River Settlement*, p. 214.

surrender was formally accepted by the Crown "under the Sign Manual and Signet" on June 22, 1870. The cession to Canada was effected on July 15 in pursuance of another Imperial Order-in-Council, dated June 23, 1870. Upon June 22, therefore, Rupert's Land must be regarded as passing from the proprietary control of the Company, and entitled, first under Imperial control and after July 15 as a part of the Dominion of Canada, to all fundamental British rights and privileges "as a part of the British Colonial System."<sup>1</sup>

In view of the importance of these facts for the prairie provinces of Canada, one or two observations with regard to these constitutional difficulties, as a whole, may not be out of place. It is seen that the only part of the whole transaction which involved compensation of any kind was the surrender of Hudson's Bay chartered rights in Rupert's Land to the Crown. Canada was coerced (by the amendment to section 3 of the Rupert's Land Act) into making that compensation, since the Dominion was assuming the obligations with regard to Rupert's Land usually discharged by the United Kingdom and just discharged, for instance, with regard to Vancouver Island. Rupert's Land, therefore, came to Canada not by "purchase" from the Hudson's Bay Company, but by cession from the Crown by "acts of State, authorised by Imperial Statute," and with "all the force and permanence of fundamental law." By the surrender to the Crown the old system of proprietary administration was (by the Rupert's Land Act) "absolutely extinguished." The object of that surrender was not the perpetuation of that proprietary administration in Rupert's Land "for the purposes of the Dominion,"<sup>2</sup> instead of for the purposes of the Hudson's Bay Company, but rather "its settlement," as the Canadian executive council had begged and the Colonial Office had enjoined, "as a part of the British Colonial System." The cession to Canada left all the constitutional implications of that system unimpaired.

Since the granting of "responsible government" the implications of the "British Colonial System" have been so uniformly recognized and applied that the prairie provinces of Canada alone, among all the self-governing provinces and Dominions of the British Empire, constitute the actual exceptions to their operation.

<sup>1</sup> Granville to Young, Nov. 30, 1869, quoting the Order-in-Council of the Province of Canada, June 22, 1866.—*Correspondence connected with Recent Occurrences in the North-West Territories*, 1870, p. 139.

<sup>2</sup> Manitoba Act, 33 Vic., c. 3, s. 30.

A province which in the process of self-government relieved the Crown of the burdens of local administration was entitled to all the resources of the Crown for that purpose. "Full rights over the lands" were thus concomitant with responsible government in all the original provinces of Canada.<sup>1</sup> Those rights of provincial control of the public domain were safeguarded in section 109 of the B.N.A. Act of 1867. The same rights have been recognized in the cases of all other provinces which have since entered Confederation. In the case of the prairie provinces alone, as Keith points out, Canada "has not adopted British ideas in dealing with the land;" and the Dominion "manages to control lands despite the existence of the provinces . . . in a way which would never have been possible to an Imperial power which had no direct share in the ordinary government of the country."<sup>2</sup>

The tradition of the "purchase" of Rupert's Land by the Dominion, therefore, is seen to be unwarranted either in actual fact or in legal fiction. There would seem to be no parallel to such a conception in British constitutional procedure; and the half-century of traditional "possession" by Canada of "property," "purchased," "owned" and "administered by the Government of Canada" (as provided in the Manitoba Act) "for the purposes of the Dominion" has not unnaturally been regarded as an unwarranted violation of fiduciary obligations which the Dominion had assumed with regard to Rupert's Land "as a part of the British Colonial System" and "in conformity with the equitable principles which have uniformly governed the British Crown."

It is a remarkable fact that the first overt act of the Dominion, after assuming these functions of parental government, was to appropriate by federal statute the public domain of the new province of Manitoba "for the purposes of the Dominion."

## II. THE POLITICAL DIFFICULTIES

A second series of difficulties—chiefly political in character—was encountered in the local opposition to the transfer at Red River.

Without magnifying the specific aims of Riel and his associates in the Insurrection of 1869-70, it will be admitted that the views of the inhabitants of "Assiniboia" had received very scanty con-

<sup>1</sup> Keith, *Responsible Government in the Dominions*, ii, 1047.

<sup>2</sup> Keith, *Responsible Government in the Dominions*, ii, 1051, 1053.

sideration. They had been disposed of very much as Sir Anthony Absolute wished to dispose of Mrs. Malaprop's niece in marriage to his son; if the Captain was to get the fortune he must "have the estate with the live stock upon it as it stands." A small but aggressive Canadian party at the Settlement had been advocating "Canadian Union" unceasingly for ten years, but with such vehemence and indiscretion as to antagonize the most influential elements of the community. By 1870 the great mass of the inhabitants regarded with uneasiness the prospect of domination by those whose countrymen at Red River no longer possessed their confidence.

The Hudson's Bay officials could scarcely be expected to be enthusiastic. Even in 1863 they had viewed the sale of the Company to the International Financial Company with deep indignation. "The Hudson's Bay men," wrote Hargrave, regarded the new Governor at the Settlement "as being with all his ability not much better than a 'greenhorn.'"<sup>1</sup> When the news of an early transfer to Canada reached Red River, it was received by the Company's men with something like consternation. The Chief Factors and Chief Traders, deprived of their accustomed prestige in the community, received no share either of the pecuniary "compensation" for the surrender to the Crown or of the "one-twentieth part" of each township "within the Fertile Belt" reserved to the Company at the transfer. Governor McTavish passed through Ottawa, and was not impressed by the solicitude of the Canadian government. "These gentlemen," he wrote, "are of opinion that they know a great deal more about the country than we do." The truth was that the Hudson's Bay officials had been ignored both by the Dominion and by those in London from whom they had a right to expect greater consideration. Of all the changes of fortune wrought by the transfer, theirs was perhaps the most considerable. With one or two conspicuous exceptions, however, they were by no means favourably disposed towards Riel and his associates. There is abundant evidence that "Company's men" had everything to lose and nothing to gain by the Insurrection.<sup>2</sup> Archbishop Machray, in a confidential report which is perhaps the most convincing and well-balanced of all the contemporary records of the Insurrection, suggested that "most undeserved suspicion has been thrown out upon Gentlemen whose reports could have been thoroughly relied upon . . . I am

<sup>1</sup> *Red River*, p. 259.

<sup>2</sup> Cf. Dr. Cowan's *Diary* at Fort Garry, in the Canadian Archives.

perfectly sure that no dissatisfaction of the employees of the Hudson's Bay Company had anything to do with these troubles."

The attitude of the Company's officials was reflected in that of the majority of the old English-speaking settlers whose traditional attachment to the Company had been fortified by interest, by intermarriage, and by deliberate policy. The old settlers "never had any doubt that the matter would soon right itself,"<sup>1</sup> but there was naturally little enthusiasm for the transfer. The whole circle of Hudson's Bay influence, unattracted and in some cases antagonized by the Canadian party at the Settlement, contented itself with acquiescence; and acquiescence was unjustly stigmatized by the Canadians as "cowardice" in the face of Riel's truculent domination at Fort Garry, and was stigmatized in turn by the French as a betrayal of the traditional "neighbourliness and good feeling" which had obtained hitherto among the older settlers of Assiniboia.

It will not be necessary to trace in detail the course of the Riel Insurrection, but the political difficulties at Red River undoubtedly arose from the French and Roman Catholic section of the community; and French obstruction to the Union in 1869-70 has undoubtedly left its mark upon the subsequent political history, not only of Manitoba, but of the whole Dominion.

The policy of building up a smaller Quebec upon the banks of the Red River had been patiently and successfully pursued for more than fifty years. The French *Métis*, the chief charge of a devoted clergy, had not lost the characteristics which Ross had attributed to the preceding generation. They were "generous, warm-hearted and brave, and left to themselves, quiet and orderly." Living still largely by the buffalo hunt, their credulous good-nature and their very improvidence left them responsive to clerical control. They were correspondingly dependent upon their clerical guardians for knowledge and counsel. By 1869 they had become thoroughly alarmed by the changing order of the times. *The Nor'Wester* predicted imminent changes "before the march of a superior intelligence." The *Métis* sought to "raise some breakwater" against the deluge. They were "uneducated, and only half civilized," said Riel before the Council of Assiniboia on October 25, 1869, "and felt, if a large immigration were to take place, they would probably be crowded out." They had been "sold like so many sheep" and disposed of "like the buffaloes on

<sup>1</sup> "They certainly never did anything to give a beginning to the French action."—Archbishop Machray.

the prairie." The Canadian Confederation was but two years old, and the French, even of Quebec, were anxiously testing out their provincial rights in the new Dominion. Neither the Roman Catholic clergy nor the primitive people beneath their control at the Red River could be expected to welcome Canadian domination "without safeguards." The *Métis*, suspicious and unenlightened, were easily moved to something more than passive resistance beneath the vainglorious leadership of Louis Riel—a resistance which on more than one occasion passed beyond control and finally degenerated into wanton arrogance and bloodshed. The brains of the movement, however, were not those of Louis Riel; and it would not be unjust perhaps either to the French *Métis* or to their guardians in all that was well-ordered and sustained in the Riel Insurrection, to regard the *Métis* as the secular arm of the Church at Red River.

The ultimate aims of the Roman Catholic clergy were undoubtedly more comprehensive than reserves of land for the *Métis*. Archbishop Taché, on his way to Rome in 1869, wrote bitterly to Sir George Cartier of the "ruin of that which has cost us so dear." "I have always feared," he wrote, "the entrance of the North-West into Confederation, because I have always believed that the French-Canadian element would be sacrificed; but I tell you frankly it had never occurred to me that our rights would be so quickly and so completely forgotten."<sup>1</sup> In Archbishop Taché's absence the French cause was left largely in the hands of the Rev. J. N. Ritchot of St. Norbert,<sup>2</sup> and it is not difficult to trace the influence of Père Ritchot's subtle and resourceful mind throughout the Insurrection itself and upon the negotiations culminating in provincial status under the Manitoba Act.

Neither Canada nor the Colonial Office, it would seem, had contemplated the immediate establishment of provincial institutions in Rupert's Land. Joseph Howe, then Secretary of State for the Provinces, instructed the Hon. William McDougall, as governor of the new territory, to promise a "liberal constitution" as soon as "the wants and requirements of the Territory" should be known. Howe visited Red River in person in October, 1869, and assured the inhabitants that "the same Constitution as the

<sup>1</sup> Dom. Benoit, *Vie de Mgr Taché*, vol. ii, p. 7.

<sup>2</sup> Père Ritchot had arrived from Canada in 1862. He had represented the diocese of St. Boniface at a council at Quebec as late as 1868.—Benoit, *Vie de Mgr Taché*, vol. i, pp. 478, 573.

other provinces possessed would ultimately be conferred upon the country."<sup>1</sup> Even the inhabitants at Red River were not at first in favour of provincial organization, and in fact decided against it upon the only occasion when they were formally consulted upon the matter. At the convention of both English-speaking and French that met at Fort Garry in February, 1870, to discuss with Donald Smith, afterwards Lord Strathcona, as Canadian Commissioner, the terms of union with Canada, Riel inquired "if the Canadian Government would consent to receive them as a Province," and Smith replied that "it had not been referred to when I was at Ottawa." Two "lists of rights" were drawn up by the committee for discussion before the convention, one upon the basis of territorial and the other of provincial status. When Riel's proposal for the discussion of the provincial terms was put to the vote (February 4, 1870), it was decidedly defeated,<sup>2</sup> and despite the vehement opposition of Riel and the French *Métis*, the Commissioner proceeded to discuss the terms of territorial status. The English-speaking population of Assiniboia long remained in ignorance of the influences which resulted in provincial status under the Manitoba Act.

These influences were undoubtedly French and Roman Catholic in origin, and their cogency is very easily understood. Special terms of union, safeguarding by statute the official use of the French language, separate schools, control of lands by the local legislature, etc., were much more enduring guarantees of French claims than the most explicit declaration of policy. When three delegates, in pursuance of Commissioner Smith's invitation, left for Ottawa in March, 1870, the "list of rights" drawn up upon the basis of provincial organization by the committee of the convention of February, 1870, but neither approved nor even discussed by the convention as a whole, was printed by Riel in French and dated "Maison du Gouvernement, Fort Garry, le 23 Mars, 1870." Under the erroneous impression, shared even by the Governor-General,<sup>3</sup> that this list formed the basis of negotiations for the Manitoba Act at Ottawa, it was printed in English in the British blue-book *Recent Disturbances in the Red River*

<sup>1</sup> *Recent Disturbances in the Red River Settlement, 1870*, p. 51.

<sup>2</sup> *New Nation*, Feb. 11, 1870.

<sup>3</sup> The Governor-General refers to this list as a "Copy of the terms and conditions brought by the Delegates from the North-West which have formed the subject of Conference."—Young to Granville, April 29, 1870.

*Settlement, 1870.*<sup>1</sup> In the first clause of this list the demand is formally advanced for the first time:

1. That the Territories, heretofore known as Rupert's Land and North-West, shall not enter into the Confederation of the Dominion of Canada, except as a Province, to be styled and known as the Province of Assiniboia, and with all the rights and privileges common to the different Provinces of the Dominion.

The Manitoba Bill was drawn up in Ottawa in consultation with the three delegates, the Rev. J. N. Ritchot, Judge Black, and Alfred Scott. The negotiations, however, in which Père Ritchot came to wield preponderating influence, were based upon a "list of rights" which would seem to establish the French origin of the Manitoba Act beyond reasonable doubt. The discussion at Ottawa was based neither upon the list which Commissioner Smith discussed before the convention in February, 1870, nor upon that which was drawn up at the same time for provincial status and thrown out by the convention without discussion. The Manitoba Act was based upon a secret "list of rights" (drawn up at Bishop's Palace, St. Boniface) which remained practically unknown to the English-speaking inhabitants of Manitoba for nineteen years, until it was published by Archbishop Taché at the height of the controversy over the "Manitoba School Question."<sup>2</sup> This list contained for the first time, for instance, the demand (the seventh in the list) which formed the basis of the famous school clause (section 22) of the Manitoba Act.<sup>3</sup> Indeed the Governor-General informed the Colonial Office by cable on April 11, 1870, *fifteen days before the opening of negotiations* at Ottawa between the Dominion Government and the three delegates from Red River, that "Bishop Taché, before leaving Ottawa, expressed himself quite satisfied with the terms accorded to himself and his church." It is reasonable to suppose that a general understanding had been reached at Ottawa upon the Archbishop's return from Rome. After his return to Red River the Insurrection was reduced, with some difficulty, to clerical control. "I saw myself

<sup>1</sup> *Recent Disturbances*, p. 130.

<sup>2</sup> Archbishop Taché's letters, *Winnipeg Free Press*, Dec. 27, 1889; *Weekly Free Press*, Jan. 16, 1890. "Sir Geo. Cartier told me how the Government of Ottawa was embarrassed and annoyed when the delegates refused to negotiate on the Bill of Rights prepared by the Convention." Cf. Rev. J. N. Ritchot to Archbishop Taché, Jan. 13, 1890: "That list was the only basis of our negotiations."—*Ibid.*

<sup>3</sup> "That the schools be separate and that the public money for schools be distributed among the different denominations in proportion to their respective population according to the system of the Province of Quebec."

the document [the secret list at Bishop's Palace] handed over to Rev. Mr. Ritchot and Judge Black," wrote Archbishop Taché at a later date, "by the officials of the Provisional Government."<sup>1</sup> It would seem to be unnecessary to inquire further into the origin of the Manitoba Act, and particularly of the sections which were so ruthlessly assailed during the political controversies of 1889-90.

One other section of the Manitoba Act would seem to require special notice. In the haste with which the measure was drafted and passed into law—only sixteen days intervened between the opening of negotiations on April 26 and the passing of the Act—it is obvious that mature consideration upon all points was out of the question. Upon one point, however, for reasons that will appear presently in the discussion of the statutory or legal difficulties of the transfer, there was no wavering of opinion on the part of the Dominion. By section 30 of the Manitoba Act it was provided that "all ungranted or waste lands in the Province shall be, from and after the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion."

Now it is interesting to observe that upon no single question were the delegates so well-armed with mandates from the inhabitants at Red River as upon the question of the control of the public lands. No fewer than four "lists of rights" had been drawn up by various parties at various times during the transfer, and in each case the demand was formulated for local as distinct from federal control. This is true not merely of the "French" lists of December 1, 1869, February, 1870 (on the basis of provincial status) and the "secret list" of March, 1870, in which the demand is made (clause 11) "that the Local Legislature of this Province shall have full control over all the lands of the Northwest."<sup>2</sup> It is conspicuously true of the list drawn up on the basis of territorial status in February, 1870, and discussed in detail before the Convention by Commissioner Smith. In this list the claim is advanced (clause 17) "that the Local Legislature of this Territory have full control of all the public land inside a circumference, having Upper Fort Garry as the centre; and that the radii of this circumference be the number of miles that the American line is distant from Fort Garry." Commissioner Smith replied in part that "full and substantial justice will be done in

<sup>1</sup> Letter of Mgr Taché, *Weekly Free Press*, Jan. 16, 1890.

<sup>2</sup> Letter of Mgr Taché, *Winnipeg Free Press*, Dec. 27, 1889.

the matter."<sup>1</sup> In the one "list of rights" to which the inhabitants at Red River as a whole can be said to have given their approval, the demand for the control of the public domain even under territorial status is thus made in the most explicit terms.

The opposition of the delegates at Ottawa to federal control of public lands, however, was speedily removed by the adroit offer of the Dominion government to grant 1,400,000 acres of land "for the benefit of the families of the half-breed residents."<sup>2</sup> There were practical considerations, to be noted presently, which made the policy of the Dominion almost inevitable. The fact remains, however, that in respect of public lands the Manitoba Act contravened every formal expression of opinion, both English-speaking and French, in every "list of rights" drawn up at Red River during the process of transfer. Both the British and Canadian authorities, moreover, refused to regard the Manitoba Act as "subject to confirmation by the 'Provisional Government'" since this "would have involved a recognition of Riel and his associates."<sup>3</sup> Manitoba was thus unique among the provinces of Canada in that many of the terms of union were imposed upon the inhabitants of the new province not only without their consent, but even without their knowledge.

The political difficulties of 1870 were thus surmounted only by mortgaging the future; and the foreclosure has been attended by political controversies many of which have not even yet been composed. Between the claims of the French party at Red River and the exactions of the Federal Government at Ottawa, it will be admitted that provincial rights have indeed "had a rough time of it." Many singular revenges of fortune have followed the "settlement" of 1870. The federal party which was responsible for it was driven from power in 1896 on the "Manitoba School Question," while with respect to the "Natural Resources Question" the prairie provinces are still awaiting a deliverer.

<sup>1</sup> *New Nation*, Feb. 11, 1870.

<sup>2</sup> 33 Vic., c. 3, s. 31. Cf. Archbishop Tache's letter, *Winnipeg Free Press*, Dec. 27, 1889: "To condone for this refusal (of the 'control of all the lands of the Northwest' by the Local Legislature) they gave to the children of the half-breed inhabitants of the country one million four hundred thousand acres of land, which had not been asked for, and with the understanding that by and by they would also give some lands to the parents of these children and to other old settlers."

<sup>3</sup> Letter of Sir Clinton Murdock, confidential representative of the British government, Apr. 28, 1870.

## III. THE STATUTORY OR LEGAL DIFFICULTIES

The third series of difficulties was constitutional in the narrower sense of that word—in a sense so much narrower than the unwritten constitutional principles underlying the "British Colonial System" as a whole that these difficulties might perhaps be termed statutory or legal. They naturally followed the transfer of the political conflict from Red River to Ottawa for the framing of the Manitoba Act. They arose from the apparent necessity for immediate legislative action under circumstances which warranted the doubt as to whether that action was either advisable in itself or *intra vires* of the federal government. The advisability of immediate provincial organization was chiefly a political question and was determined, as already indicated, largely as a result of the Riel Insurrection. The constitutionality of the Manitoba Act was another matter, and the influences which determined—or failed to determine—this point centred naturally at Ottawa.

The controversy turned upon the nature and principles of the British North America Act of 1867; and the significant words of Lord Haldane in the recent *Manitoba Initiative and Referendum Case* (6 Geo. V., c. 59) before the Privy Council may be cited as one of the tersest authoritative pronouncements with regard to that great measure:

The scheme of the Act passed in 1867 was thus, not to weld the Provinces into one, nor to subordinate Provincial Governments to a central authority, but to establish a Central Government in which these Provinces should be represented, entrusted with exclusive authority only in affairs in which they had a common interest. Subject to this each Province was to retain its independence and autonomy, and to be directly under the Crown as its head. Within these limits...its local Legislature, so long as the Imperial Parliament did not repeal its own Act conferring this status, was to be supreme.<sup>1</sup>

Now by the B.N.A. Act of 1867, section 146, the statutory authority for the admission of "Rupert's Land and the North-Western Territory, or either of them, into the Union" is defined as being "subject to the provisions of this Act," namely, with the provinces in certain respects (such as the control of public lands, for instance) enjoying "supreme" powers "directly under the Crown." Sir

<sup>1</sup> *Law Journal Reports*, Nov. 1919, p. 145.

John A. Macdonald, in a memorandum for the Canadian Privy Council, December 29, 1870, conceded that "even if the terms of the Address (specified in the B.N.A. Act, 1867, section 146) had included a new constitution for the North-West it must, under the above cited section, have been subject to the provisions of the Imperial Act of Union."<sup>1</sup> The right, therefore, of the federal government alone to legislate for the creation of a new province, with provincial disabilities in certain fundamental respects at complete variance with the principles of the B.N.A. Act of 1867, was questioned from the first in several very important particulars. The right of "giving a constitution to a portion of Rupert's Land," permitting the free exercise of responsible government, seems to have passed without question; but during the discussion of the legal aspects of the Manitoba Bill before the House of Commons in May, 1870, it seems to have been generally agreed that "especially those of its provisions which gave the right to the Province to have Representatives in the Senate and House of Commons of the Dominion" were technically at least *ultra vires* of the federal government, even though no new principles had been introduced in that respect into the general scheme of Confederation.

In several other respects, however, the Manitoba Act had departed very radically from the recognized principles of the B.N.A. Act of 1867, and was far from being "subject to the provisions of this Act." It has been held, for instance, by eminent constitutionalists both then and since, that section 30 of the Manitoba Act providing for the administration of public lands "by the Government of Canada for the purposes of the Dominion" violated one of the most important of all the provisions of the B.N.A. Act of 1867, section 109, safeguarding for all the provinces of Canada without exception the full beneficial control of the public lands within their boundaries. There is a sense, indeed, in which this feature of the B.N.A. Act of 1867 was not only important, but fundamental. The control of "clergy reserves" and crown lands by the province of Upper Canada had formed one of the chief incentives and no small part of the practical results of the conflict for responsible government, and it was responsible government which made possible a voluntary federation of self-governing provinces aspiring to the destiny of a transcontinental Dominion.

<sup>1</sup> *Can. Sessional Papers*, 1871, Vol. 5, Paper No. 20.

Throughout the voluminous discussions, therefore, of the legal or statutory aspect of the question ever since the time of Confederation there has been a succession of eminent constitutionalists—from Edward Blake, the law officers of the Crown in Great Britain, and Sir Oliver Mowat to Chief Justice Haultain and Sir Robert Borden—who have upheld the inherent and fundamental rights of provinces in this respect under the original principles of the B.N.A. Act of 1867. During the discussion of the Alberta and Saskatchewan Acts in 1905 it was stated that the Manitoba Act was "*ultra vires*"—was so considered by the legal advisers of the Crown in England, and in order to make it valid it was necessary to pass the Imperial Act of 1871.<sup>1</sup> Indeed one of the most vigorous protagonists of provincial rights in respect of public lands<sup>2</sup> is content to base the cause of the prairie provinces upon the purely legal aspects of the case.

It is evident at any rate that the constitutional principles embodied in the B.N.A. Act of 1867 were having a "rough time of it" in the process of meeting what were considered to be the political requirements at Red River in 1870. There were other practical considerations which further complicated the legal difficulties, for beyond a doubt Canadian statesmen had already set their minds upon two or three great constructive national projects, and were determined to allow no abstract constitutional principles to stand in their way.

<sup>1</sup> "There was a very strong opinion in England and also here—I believe it was shared by Mr. Blake—that we had no right . . .

"The interpretation given by the Judicial Committee of the Privy Council upon section 109 . . . has always been favourable to the provinces, and has gone very far in the direction of maintaining that all public lands . . . once the province is created fell under provincial control. . . .

"By common understanding of section 109 and the interpretation put upon that section since our constitutional questions have arisen, it would seem to be evident that public lands, by the very terms of the constitution, belonged to the provinces the moment they entered confederation, and I see no reason for departing from that rule in regard to the province created out of a portion of the North-West Territories."—Hon. Mr. Monk, *Hansard*, 1905, pp. 3072 *et seq.*

<sup>2</sup> Mr. Bram Thompson. See *Canada's Suzerainty over the West*, reprinted from the *Canadian Law Times* of August and September, 1919. Mr. Thompson contends that the Privy Council would find the sections in the Alberta and Saskatchewan Acts providing for federal administration of public lands *ultra vires* of the federal government, and that even section 30 of the Manitoba Act, despite the validation of that measure by the B.N.A. Act of 1871 "for all purposes whatsoever", could be declared *ultra vires* by reason of conflict with the fundamental principles of the B.N.A. Act of 1867.

The very conditions of the surrender of Hudson's Bay chartered rights in Rupert's Land to the Crown, and particularly the reservation of the "one-twentieth part" of each township "within the Fertile Belt" for the Company, necessitated a measure of federal control. It is clear that no regard for "provincial rights" in Manitoba was to be allowed to complicate the obligations of the Dominion to the Hudson's Bay Company. Sir John A. Macdonald, in fact, did not hesitate to avow the intention of obtaining from the lands of the West "repayment of the disbursement of the £300,000," despite the fact that this sum was raised by public loan, to be paid off only in 1904 by all the provinces of Canada, Manitoba included<sup>1</sup>: "The expense would be defrayed by that means instead of being charged against the people of the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick. That could be done, however, only by carrying out that policy of keeping the control of the lands of the country, and . . . they had determined to do so."<sup>2</sup>

A second practical consideration was the need of rapid immigration and the fear that the new province, then preponderantly French and *Métis*, would obstruct this policy if granted full control of the public lands. "The land could not be handed over to them . . . It would be injudicious to have a large Province which . . . might interfere with the general policy of the Government . . . Besides the land legislation of the Province might be obstructive to immigration."<sup>3</sup>

And finally the great project of a transcontinental railway was already beginning to engross the attention of the federal government. There can be no doubt that this was very prominently in mind at the time of the transfer. At the Convention of February, 1870, when Commissioner Smith was asked to reply to the demand for "full control of all the public land" for the "Local Legislature" he qualified his reply that "full and substantial justice will be done" by pleading ignorance "of the country and of the extent to which this concession might affect public works, etc."<sup>4</sup>

<sup>1</sup> Statement of Proceedings taken by the Lords Commissioners of Her Majesty's Treasury to give effect to the Guarantee of a loan for the £300,000 authorised by the Act 32 & 33 Vic., c. 101. June 28, 1870. Cf. also Can. Sessional Papers, 1880, Vol. X, Paper No. 75 and Chester Martin, "The Natural Resources Question", p. 35.

<sup>2</sup> Recent Disturbances in the Red River Settlement, 1870, pp. 132, 143, 146, etc.

<sup>3</sup> Sir John A. Macdonald on the Manitoba Bill.

<sup>4</sup> The New Nation, Feb. 11, 1870.

Sir John A. Macdonald, at the debate on the Manitoba Bill, declared frankly that "the land could not be handed over to them; it was of the greatest importance to the Dominion to have possession of it, for the Pacific Railway must be built by means of the land through which it had to pass." Sir George Cartier stated this view even more bluntly when he announced that the public lands of the West "had been given up for nothing": "It must be in the contemplation of the Members of the House that these could be used for the construction of the British Pacific Railway."<sup>1</sup>

As late as 1884, the Canadian Privy Council enunciated the policy with regard to the Canadian Pacific Railway that "the expenditure in construction and in cash subsidy may be regarded as an advance, to be repaid from the lands."<sup>2</sup>

For all these reasons, therefore, legal and otherwise, it was determined to apply for Imperial validation for the Manitoba Act "as if it had been an Imperial statute." The memorandum to the Canadian Privy Council was drawn up by Sir John A. Macdonald,<sup>3</sup> and though the draft bill underwent several very significant changes before it eventually passed the Imperial Parliament, the Manitoba Act was eventually confirmed "for all purposes whatsoever" by the British North America Act of 1871. It is interesting to note that the suggestion in the draft bill (section 6) that "any Act of the said Parliament hereafter establishing a Province as aforesaid shall have effect as if it had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland" *does not appear in the final Act*, and the omission would seem to be very significant in its bearings upon the Alberta and Saskatchewan Acts of 1905. Otherwise, however, the B.N.A. Act of 1871 seems to have been devised as a complete and perfunctory *carte blanche* for the irregularities attending the transfer. It thus came to pass that the administration of the public lands of Manitoba "by the Government of Canada for the purposes of the Dominion," devised by Canada not only without the consent or knowledge of the inhabitants of the new province, but in defiance of every expression of opinion, both English-speaking and French, in every "list of rights" drawn up during the transfer, was validated by

<sup>1</sup> *Recent Disturbances in the Red River Settlement*, 1870, p. 139.

<sup>2</sup> *Can. Sessional Papers*, 1885, Vol. 12, Paper No. 61.

<sup>3</sup> *Can. Sessional Papers*, 1871, Vol. 5, Paper No. 20.

Imperial enactment drafted at Ottawa "for all purposes whatsoever."

A comparison of the three series of difficulties outlined above would afford an alluring opportunity for speculations which cannot be indulged here. Of the three, the constitutional difficulty at the beginning—apparently the most formidable at the time—was surmounted in fact with the least violence to good sense and normal British constitutional procedure. The mischief which has arisen with regard to it has arisen not from the facts of the case nor from the principles observed in the transfer, but from loose and conveniently specious fictions since employed to justify a course of action already determined upon for other reasons. The second series of difficulties, culminating in one of the most inglorious political episodes of Canadian history, has had even more pernicious practical results. The events of 1869-70 have sown Manitoban and even Canadian history with dragons' teeth yielding ever since a truly prolific harvest of racial and religious controversy.

There is a sense in which the solution sought for the third series of difficulties has been equally far-reaching in its ultimate results, for as already suggested, the B.N.A. Act of 1871 has been held to have changed, upon the statute books at least, not only the amplitude but the very nature of the Canadian Confederation. By the original B.N.A. Act of 1867 the Dominion of Canada was a federation of equals, each province being "supreme" in certain respects, "directly under the Crown as its head." By the B.N.A. of 1871 (validating "for all purposes whatsoever" the Manitoba Act and the Act for the Temporary Government of Rupert's Land and the North-Western Territory when united with Canada), the Dominion of Canada was transformed from a federation of equals into an Empire. Manitoba, a province in name, was debased to "colonial" status ("for the purposes of the Dominion") in one at least of the essentials of provincial self-government. The territories beyond were placed beneath the imperial control of the Canadian parliament, with an organization of executive government almost as primitive as that of Canada under the Quebec Act of 1774. It was not until 1875 that the North-West Territories Act provided a constitution for the North-West Territories similar to that embodied in the Constitutional Act of 1791. It was not until 1888 and 1894 that the principles and practice of responsible government began to appear; and even with the

advent of autonomy and (in name) provincial status in 1905, the imperial parliament of Canada took the responsibility of withholding the firstfruits of that responsible government in the determination to retain the control of the natural resources of the prairie provinces (as provided in the Alberta and Saskatchewan Acts of the federal parliament) "for the purposes of Canada." If the B.N.A. Act of 1871 has indeed authorized, in the words of Lord Halsbury, this "utmost discretion of enactment," it has made it necessary for the prairie provinces to contend for some of the primitive rights of self-government to which Upper Canada aspired three generations ago in the contest for responsible government.

One other reflection may not be out of place in conclusion. The rectification of these irregularities would seem to require an Imperial Act to amend the B.N.A. Act of 1871.<sup>1</sup> In view of this fact, the recent proposal to secure, for the Dominion, powers to amend the B.N.A. Acts, "with the consent of the Provincial Legislatures," bears an unfortunate resemblance to the abortive proposal in the draft bill of 1871 to endow the federal parliament with powers of legislation for new provinces "as if it had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland." The acquiescence of the three "colonial" provinces is scarcely to be expected without the equitable removal *first* of provincial disabilities imposed in 1870, 1871, and 1905.<sup>2</sup> In fact, it would seem to be in order to complete Confederation within by restoring the just and original principles of 1867 as a *sine qua non* of consummation without by the assumption of complete autonomy among the autonomous nations of the British Empire.

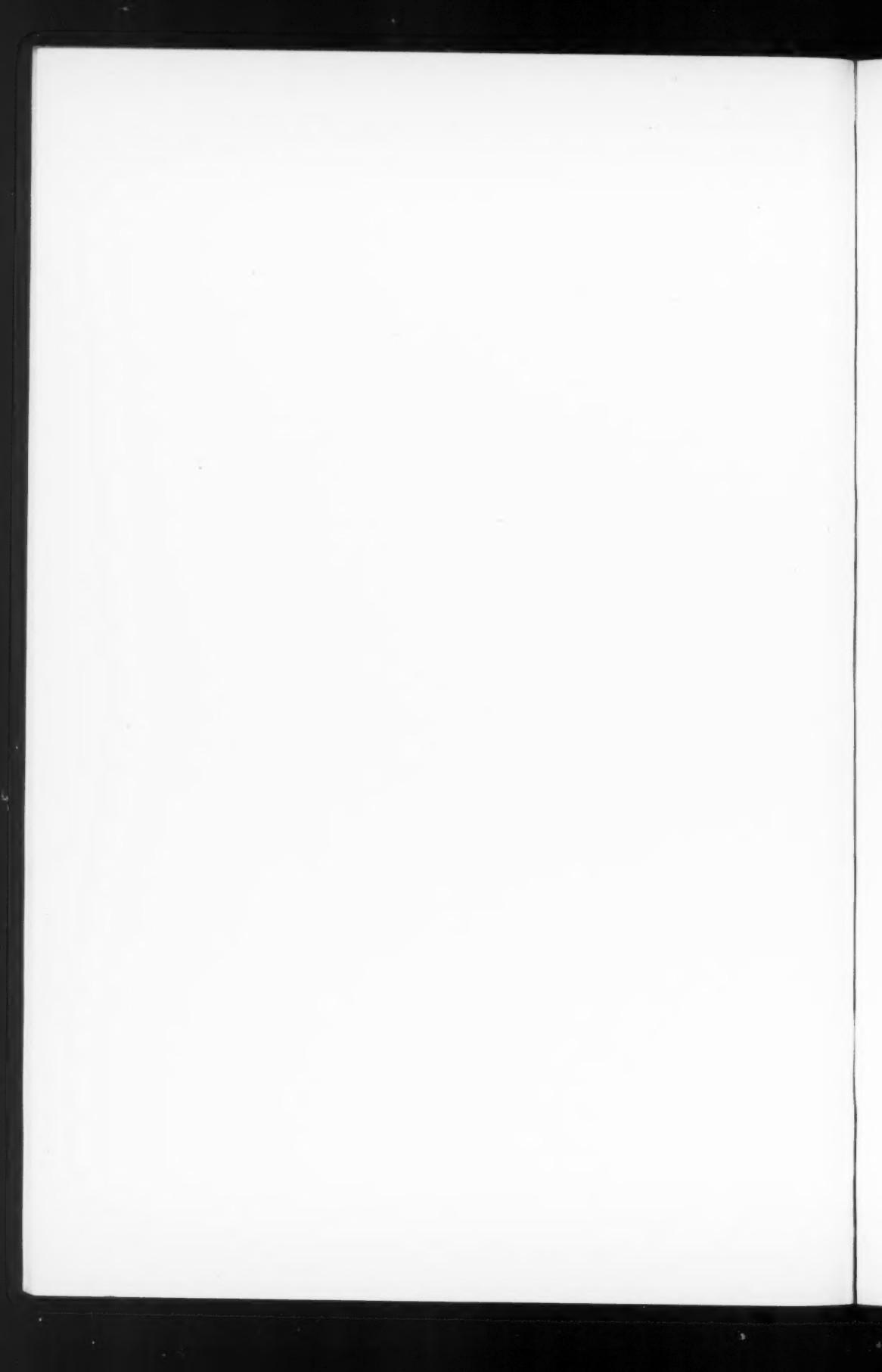
CHESTER MARTIN

<sup>1</sup> This would seem to be true even with regard to Alberta and Saskatchewan by the terms of the B.N.A. Act of 1871, section 6; though Sir Robert Borden would seem to regard a federal Act "with the consent of the Provincial legislature" as sufficient.—*Hansard*, 1905, p. 1466.

<sup>2</sup> "Any other course would seem (*pace* the attitude of the other provinces at the Conference of November, 1918) to invite the postponement of the settlement of the 'Natural Resources Question' for this province to the Greek Calends." See Chester Martin, "Natural Resources Question", pp. 108, note; 112; 113, etc.



PLATE I.—DUCORNET'S ALLEGED PORTRAIT OF CHAMPLAIN





SAMUEL DE CHAMPLAIN  
*Fondateur de Québec Capitale du Pays de Canada*  
1608

PLATE II.—FRONTISPICE TO THE LAVERDIÈRE EDITION OF CHAMPLAIN'S WORKS

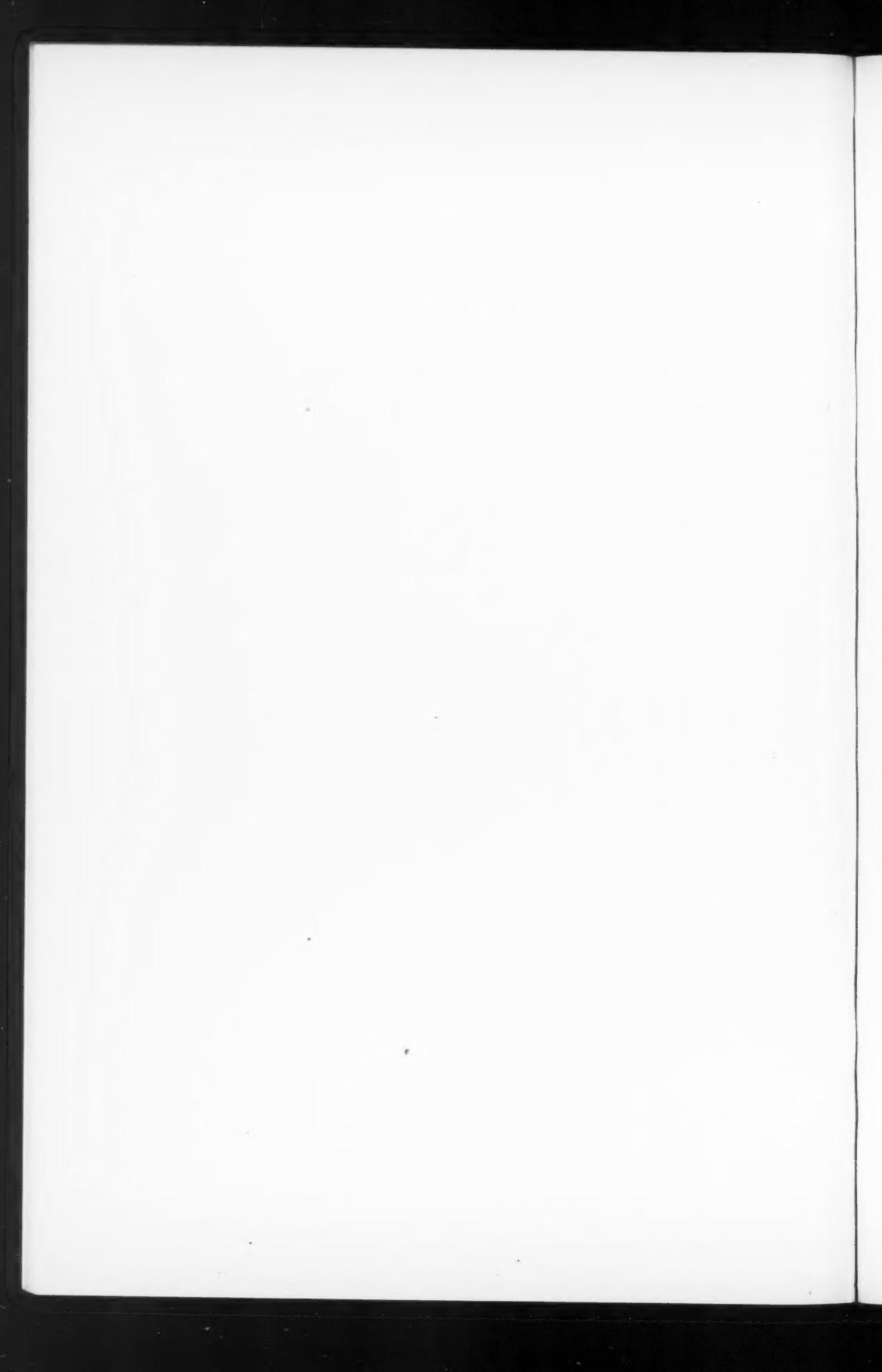
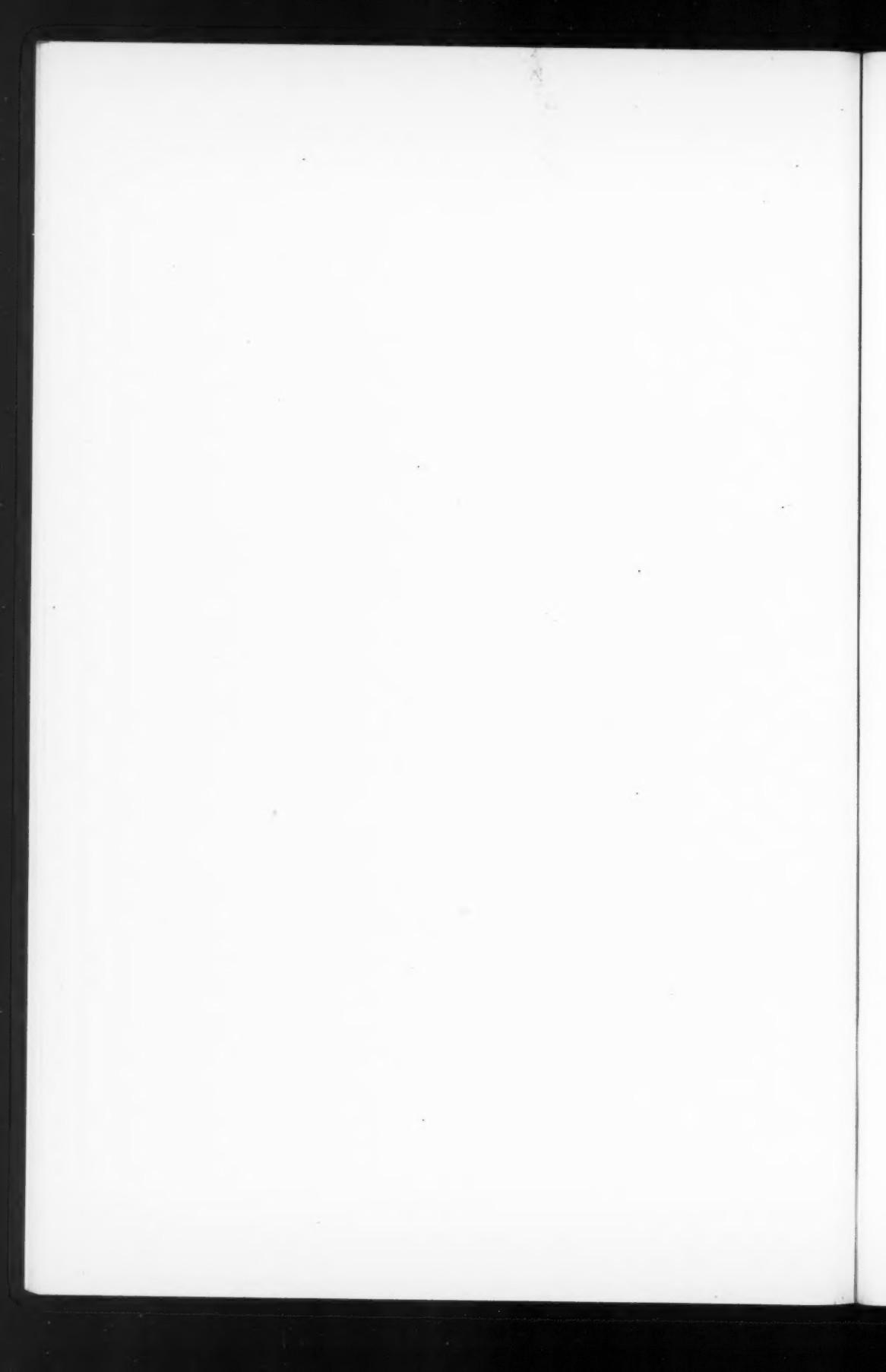




PLATE III.—MONCORNET'S PORTRAIT OF MICHEL PARTICELLI



## NOTES AND DOCUMENTS

### THE PORTRAIT OF CHAMPLAIN

In 1904 Mr. Victor Paltzits published in the journal *Acadiensis* (vol. iv, pp. 306-311) a paper entitled *A Critical Examination of Champlain's Portrait*. The conclusions to which he came in this paper were as follows:

It has been shown that there is a good lithographed portrait of Champlain, designed by Ducornet, presumably in 1854; that Hamel painted a portrait, which is an adaptation from a print; that Shea for the first time published a bust portrait, engraved from Hamel's painting in 1866, and called it a copy after Moncornet; that Laverdière introduced a sketch, within an oval, in 1870, which shows clearly that it was taken from the Ducornet lithograph; that Ronjat made a sketch for Guizot's work, published in 1876, which he says was copied from a Moncornet engraving in the Bibliothèque Nationale of Paris, but which does not exist in that institution; and that Miss Hurlburt's painting was copied from Slafter's first volume. In addition to the evidence presented above, we show also reproductions of five of the portraits alluded to. We believe that this evidence demonstrates overwhelmingly that no Moncornet portrait exists, but that all these portraits are derived from a lithograph by Ducornet, made in modern times. Hence, as no authentic portrait of Champlain, of contemporary origin, is known, the use of this picture, in any of its various forms, as a real portrait, should no longer persist in historical publications. But one thing can alter this conclusion—the discovery of a real Moncornet portrait of Champlain.

An examination of the collection of Moncornet portraits in the Bibliothèque Nationale at Paris by the writer has confirmed Mr. Paltzits' conclusion, but has resulted in the discovery of a portrait by Moncornet which would seem to have been used by Ducornet in 1854 for the composition of his lithograph portrait of Champlain.

First a word as to Ducornet's life. According to Mr. Paltsits, (*op. cit.*, p. 307), "Louis César Joseph Ducornet was born at Lille, January 10, 1806, and died at Paris, April 27, 1856. He was deformed from birth, having neither arms nor thighs and but four toes to his right foot; but in spite of this deformity learned to paint creditable pictures with this foot. He was a pupil of Watteau, Guillon-Lethière and Gérard; won medals for his work, and finally received a Government pension. He painted many portraits."

Among Ducornet's portraits was one of "Samuel de Champlain, Gouverneur Général du Canada (N<sup>e</sup>lle France): Né à Brouage en 1567: Fonde Québec en 1608 et meurt dans cette ville en 1635." This was issued as a lithograph at Paris in 1854 by Massard, 53, Rue de Seine, and printed by Villain, 19, Rue de Sèvres. It was also "enregistré conformément à l'Acte de la Legislature Provinciale, en l'année mil-huit-cent cinquante-quatre par P. L. Morin de Québec, dans le Bureau du Registrateur."

This lithographed portrait of Champlain from the copy in the Bibliothèque Nationale at Paris is reproduced herewith (see Plate I).

Directly beneath the oval in the portrait are printed the words: "Ducornet Ex. c. p." In the reproduction of this portrait as a frontispiece to the Laverdière edition of the works of Champlain (Quebec, 1870), where the portrait is reversed, these words have been altered to: "Moncornet Ex. c.p.", as will be seen by reference to Plate II.

Moncornet, as stated by Mr. Paltsits, never did a portrait of Champlain, so far at least as anyone can discover; but Moncornet's portrait of Michel Particelli, Contrôleur-Général des Finances, engraved in 1654, would seem to have been used by Ducornet in 1854 in the composition of his Champlain lithograph. If Ducornet did not use this portrait, its resemblance to his Champlain is, to say the least, most striking (see Plate III).

In conclusion one can only repeat what Mr. Victor Paltsits has already stated, that "no authentic portrait of Champlain, of contemporary origin, is known." The present representative of this family in France has at any rate never heard of any other portrait than Ducornet's lithograph, and this, as the reader has seen, reproduces the features of a totally different personage.

H. P. BIGGAR

WALTER BUTLER'S JOURNAL OF AN  
EXPEDITION ALONG THE NORTH SHORE  
OF LAKE ONTARIO, 1779.<sup>1</sup>

Walter N. Butler was the son of Colonel John Butler, commander of Butler's Rangers, the Loyalist corps which so distinguished itself in the border warfare of the American Revolution.<sup>2</sup> He accompanied his father and Guy Johnson in their flight from the Mohawk Valley in the summer of 1775, and served with some distinction in the defense of Canada against the American invasion of that autumn. John Butler, who was an officer of the Indian Department, became acting Superintendent of Indian Affairs when Guy Johnson sailed for England in November, 1775. Governor Carleton, compelled to abandon the greater part of Canada to the Americans and retire to the fortress of Quebec, sent Butler to Niagara. There he remained throughout the following year, working hard to hold the Indians in allegiance to the Crown and to collect loyalist recruits from the western settlements of New York. His wife and the other members of his family, except Walter, had remained at their home at Johnstown. In the spring or summer of 1776, they were removed to Albany by the revolutionary party and detained as hostages.

In 1777 the elder Butler brought a large number of Indians and Loyalists to assist in an expedition under Colonel St. Leger against Fort Stanwix (now Rome, N.Y.), an expedition which served as a support to Burgoyne's contemporary invasion of New York state. Walter Butler was sent on to the German Flats, in the upper Mohawk Valley, to raise recruits for the royal service. Here he was captured, court-martialed, and sentenced to death as a spy. His life was spared—at the instance, it is said, of certain American officers who had known him when he was a law student in Albany—but he was placed in rigorous confinement in that town. Because of the injury to his health some friends of his family obtained, in the following year, his transfer to a private house. Thence he escaped, and rejoined his father, who was now leading his newly organized battalion of Rangers against the border settlements of New York and Pennsylvania. Walter was given the rank of

<sup>1</sup>British Museum, Addit. MSS. 21,765. Transcript in the Public Archives of Canada at Ottawa, B. 103, pp. 100-112.

<sup>2</sup> Regarding Colonel Butler and the Rangers, see the careful study by Ernest Cruikshank, *The Story of Butler's Rangers and the Settlement of Niagara* (Lundy's Lane Historical Society: Welland, 1893).

captain and the command of one of the companies, but did not immediately take up duties in the field. He was sent to Quebec, and consequently was absent from the stirring events of the earlier part of the campaign of 1778, including the destruction of the settlements in the Wyoming valley, popularly known as "the Massacre of Wyoming."

Late in August Captain Walter Butler rejoined his corps on the borders of New York. His father had been compelled by ill health to return to Niagara, and the son took command of the Rangers. His most important undertaking was an expedition against Cherry Valley, which was surprised on the morning of November 11. The attack on the fort failed, but the settlement was completely destroyed. Unfortunately, the Indians, who formed a large part of the expedition, broke from all restraint and massacred many of the inhabitants. The survivors became prisoners.

Before beginning his retreat Butler released the greater part of the women and children and gave them a letter<sup>1</sup> to General Schuyler, whom he believed to be in command of the Continental forces in the Northern department. In consideration, he requested that an equal number of prisoners on the other side, including his mother and her family, should be released, but offered, if this were not acceptable, to effect an exchange from the prisoners whom he still held. An answer, dated Albany, Jan. 2, 1779, was written by Brigadier-General James Clinton, at the command of Governor Clinton of New York.<sup>2</sup> The proposal of an exchange was accepted, and a further communication as to the method of carrying it out requested. Walter Butler replied from Niagara on February 18, acknowledging Clinton's letter:

It's Contents I communicated to Lieut Col Bolton the Commanding Officer of this Garrison &c, by whom I am directed to acquaint you that he has no objection an Exchange of Prisoners as mentioned in your letter, should take place; but not being fully empower'd by His Excellency Genl. Haldimand, to order the same immediately to be put in execution, has thought proper I should go down to the Commander in Chief, for his direction in the matter.

In the mean time Colonel Butler (as he has ever done on every occasion) will make every effort in his Power to have all the Prisoners, as well those belonging to Your Troops as the Women & Children in captivity among the different Indian Nations collected, and sent

<sup>1</sup> Public Archives, B. 105, pp. 83-84. Published in W. L. Stone, *Life of Joseph Brant* (New York, 1838), vol. I, pp. 377-378.

<sup>2</sup> Public Archives, B. 105, pp. 87-89; *Life of Brant*, vol. I, pp. 382-383.

into this Post, to be forwarded to Crown Point, should the Exchange take place by the way of Canada, or to Oswego, if settled there; in either case, Col Bolton desires me to inform you, that the Prisoners shall receive from him what assistance their wants may require—Which Prisoners have at all times received at this Post.

The disagreeable situation of your People in the Indian Villages, as well ours among you, will induce me to make all the expedition in my power to Canada, in order that the Exchange may be settled as soon as possible, for the good of both—

I make no doubt His Excellency Genl. Haldimand will acquiesce, in the propos'd Exchange— The Season of the Year renders it impossible to take place before the 10th or 15th of May next—however I shall write you by the way of Crown Point General Haldimand's determination, and when and where the Exchange would be the most agreeable to him, to be made—I could wish Mrs Butler & family including Mrs. Sheehan & Son and Mrs Wall were permitted to go to Canada in the Spring even should the exchange be fix'd at Ontario.<sup>1</sup>

Lieutenant-Colonel Bolton forwarded the whole correspondence to General Haldimand in a despatch which Captain Butler carried to Quebec:

Niagara

March the 5th 1779.

Sir

I beg leave to inform Your Excellency that an Indian arrived here some days ago with Letters to Captain Butler, which had been opened & read in every village through which he passed by desire of the chiefs, he acquaints me they were brought to Coneserago by a Colonel Campbell in the Provincial service who told him he came with a flag but his Interpreter being lame prevented him from going to Niagara & that he would remain there until an answer arrived. As I understand they wish to get back some of their prisoners taken at Cherry Valley & have offered to exchange Mrs Butler & family I consented (at the Major's<sup>2</sup> earnest request) to Captain Butlers going to Canada in order to lay before Your Excellency the Letters sent here, as well as a copy of his answer to the one he received here from a Brigadier Clinton. The Major also assures me the chiefs will not suffer any Letter or papers whatever to pass through their villages without first knowing the contents. It appears to me they

<sup>1</sup> Public Archives, B. 105, pp. 95-99; published in full in *Life of Brant*, vol. I, pp. 384-386.

<sup>2</sup> John Butler, who held the rank of major.

have got some prisoners that the enemy has a much greater esteem for than any of those formerly taken, otherwise they would not have offered to grant with Mrs Butler & family, as the officer who brought the flag intended to remain at Caneserago, untill he received an answer. I agreed to Capt Butler writing to Brigadier Clinton, as I wish to remove Mrs Campbell as soon as possible out of the Indian country, & have sent those we can depend on to find out if he did not come upon some other business as well as an exchange of prisoners which I hope Your Excellency will have no objection to & that it will take place by the way of Canada.

For further particulars I beg leave to refer you to Capt Butler who has assured me he would not make any unnecessary delay & I have no reason to doubt it, for upon all occasions he seems to be extremely anxious to be employed, & has taken great pains with the Rangers during the winter to prepare them for service early in the spring, Major Butler also assures me the Indians will be ready at that time & therefore hopes you will honor him with your further orders & directions as soon as possible. I should also be happy to receive Your Excellency's instruction relative to the upper Posts at the same time, as your letters meet with so frequent delays between La Chine & this place, which may be attended with bad consequences, especially in the critical situation we are now in Capt Mathews has finished the block house at the Upper Landing which will be inclosed with Pickets in order to protect the Merchants goods, & Mr Stedman is building a large store House to lodge them in which will be intirely covered (in case a party of the enemy should come that way) by the fire from the Block house We are also employed in cutting log-houses agreeable to Your Excellency's orders & in hopes a reinforcement will be sent up early in the spring

In a former Letter I acquainted you that I should consult every person here who cou'd give me any information conserning the plan of Agriculture<sup>1</sup> you proposed some time ago, & now beg leave to inclose their opignons

I have the honor &

(Signed) MASON<sup>1</sup> BOLTON

P S

We have not at this time a single good musket flint in the Garrison  
An other inconsiderable party with David (the Mohawk) is gone  
by water to observe Genl McIntosh's motions

<sup>1</sup> A proposal by Haldimand that a permanent settlement should be established at Niagara. See Cruikshank, *op. cit.*

Capn Butler takes down with him the Muster rolls of the Corps of Rangers & also the accounts, of what the New Barracks & Log Houses amounts to.<sup>1</sup>

Butler set out from Niagara on March 8, and followed the north shore of Lake Ontario, doubtless for greater security. His mission to Haldimand was successful, as is indicated by the following letter:

Sir

Agreeable to my Letter directed to you of the 18th of February last, I were to acquaint you of His Excellency Genl. Halidmands determination on the proposed exchange of Prisoners—I am so happy as to have His Excellency's Directions to inform you of his assent thereto, and that the same may take place by the way of Crown Point on the—— day of May next—likewise that Lieut. Col Stacy and others Your officers and Soldiers, in our Hands, will be given in exchange for an equal number of ours with you. Among which the officers and Rangers mentioned in the List enclosed you, in my last, are to be included, the Commander in Chief has ordered all the Prisoners, as well those belonging to Your Troops, As Inhabitants, or Families &c—At Niagara, or elsewhere immediately to Canada for the above purpose. I have by this opportunity wrote Mrs. Butler & transmitted her some money, in order to enable her and Family to come to Canada, which please permit to be delivered to her, if the Season will admit. It will oblige me and particularly the younger part of the Family, their being allow'd to come immediately to Canada, as the Children are to go to England in the first ships.

I am

Sir

Your most obedt. and very Hble Servant

(Signed) WALTER BUTLER

Capn. Corps of Rangers<sup>2</sup>

Brigadier General Clinton  
Continental Forces  
Albany.

Walter Butler returned to Niagara in the spring of 1779. He continued active in the frontier struggle until almost the end of the Revolutionary war, losing his life in the last important raid made by the British on the New York settlements. This was led

<sup>1</sup> Public Archives, B. 96-1, pp. 251-253.

<sup>2</sup> Public Archives, B. 105, pp. 427-428. Lists of the prisoners to be exchanged are also to be found here.

by a Major Ross, under whom Captain Butler commanded the Rangers, and was remarkably successful. In their retreat the British were closely pursued and in a slight skirmish on the banks of Canada Creek, which flows into the Mohawk, Walter Butler was killed, October 30, 1781.

The journal here published has interest because it is one of the few descriptions of the Canadian shore of Lake Ontario in the era just preceding the beginning of settlement in Upper Canada. The southern shore of the lake was at this time much more frequented and much better known. The journal seems to have been based on rough notes made during the trip, and to have been written in its present form at the request of General Haldimand after the arrival of Butler in Quebec in April, 1779.

[*Transcript.*]

Niagara 8th March 1779.

Three o'Clock in the Afternoon, Set off for Canada in a Batteau—The Weather Calm, the Season very forward And More than Common fine, no Appearance of Snow, Ice, or Frost. Rowed to the 12 Mile Pond.<sup>1</sup> Encamped—Saw this Evening a large flock of Pidgeons in trees, and number of Geese & Ducks in the Pond—

12 Mile Pond March 9th. At Six put off, the Wind & Swell high and ahead, but the hands being good Oarsmen Kept the Lake till the 20 Mile Pond, or River,<sup>2</sup> When the Wind increasing & no Harbour nearer than 40 Mile Creek, made for the Creek and was near striking on the Barr, but the force of the Waves on the Stern and working briskly of the Oars, got into the River An Indian Cabin on the Banck Inhabited by Messes-saugoes, the 20 Mile Creek is a fine Stream, tho' shallow at the Entrance, and Narrow at the Mouth, but very wide a little way up—the Lands in General Level, tho' higher on the East side—Timber, oak, Pine & a few Chesnut Trees, the place Appears as the head of the Lake tho' it runs for forty miles Westerly beyond this, before the Lake turns to the North Eastward, this Creek heads near Point O'Bino<sup>3</sup> 18 Miles above Fort Erie, on Lake Erie, likewise the 12 & 16 Miles Creek rise out of the

<sup>1</sup> More usually, "Twelve Mile Creek";—the creek on which St. Catharines was subsequently built. These designations indicated the distances from Niagara.

<sup>2</sup> Now Jordan Harbour. "Twenty Mile Creek" flows through "Twenty Mile Pond" before emptying into Lake Ontario. Jordan is situated three miles from the mouth. Views of "Twenty Mile Creek" as it appeared in 1794 and 1796, reproduced from drawings by the wife of Lieutenant-Governor Simcoe, are published in John Ross Robertson (ed.), *The Diary of Mrs. John Graves Simcoe* (Toronto, 1911), pp. 225, 312.

<sup>3</sup> Point Abino. Butler is, of course, wrong in his opinion as to the place of origin of these creeks.

Swamps near Lake Erie—Boats Can go up this Creek About 15 Miles—Saw a number of Black Birds—3 o'Clock put off—the wind falling, rowed till four—hoisted sail & continued till six—rowed till seven o'Clock, put in shore and Encamped—on a low Sandy Beach,<sup>1</sup> five miles from the Creek in this Bay forming the head of the Lake, hauled the Boat up—the distance from the Sd Creek to Niagara 60 miles.

10th of March—Put off at Daylight, Every Appearance of a fair wind, rowed an hour, the wind came ahead, increased with a high swell, was obliged to put into the River at the head of the Lake,<sup>2</sup> Shipped Water twice before we made the River—the wind at East—from the West side the 20 Mile Creek the land lowers, till you come twelve Miles off this, where it forms a fine sandy Beach, with a few Trees near the shore—which Continues a mile beyond this River, where the shore turns and runs about North East, from whence it's a broken shore, with a Banck of Seven or Eight feet & no landing with Boats for Ten Miles, in windy weather a Boat may go up this River<sup>3</sup> Ten or thirteen Miles, from whence there is a Carrying Place of thirteen Miles to the River Trance,<sup>4</sup> which falls into the Lake of St Clair, After you enter this River about 400 yards, it forms a Lake or Pond<sup>5</sup> of 4 miles over and six long, between it & the Lake is a narrow neck of Land of 400 yards wide cover'd with a few Trees, & reedy Grass, on this the Indians hut in the Fishing Season—this Pond in the Season has great number of all sorts of Water Fowl—round this Lake or Pond a quantity of Hay might be made—this morning about 7, the weather being clear & little or no wind, we saw the Spray or Mist of the Fall of Niagara bearing from this about South East—A Canoe with Messessaugoes Came to us, gave me Ducks, in return gave them Powder & Shot & Bread, they being out of Ammunition—I learn'd from them that Joseph Brant had left his Boat here and took two Canoes Eleven days ago—<sup>6</sup>

<sup>1</sup> Probably at or near Hamilton Beach.

<sup>2</sup> The original channel connecting Burlington Bay with Lake Ontario. Drawings by Mrs. Simcoe illustrating this locality in 1796 are published in *The Diary of Mrs. Simcoe*, pp. 304, 316-331.

<sup>3</sup> Now the Desjardins Canal and Linden Creek. The immediate goal of the portage here was the Grand River—leading to Lake Erie—rather than the Thames, which was much more remote. The Sulpicians Dollier de Casson and Galinée followed this route to Lake Erie as early as 1669. See Galinée's *Narrative (Papers and Records of the Ontario Historical Society*, vol. IV., 1903).

<sup>4</sup> La Tranche, now the Thames.

<sup>5</sup> Burlington Bay. Butler regarded the channel from Lake Ontario and what are now Burlington Bay, the Desjardins Canal, and Linden Creek, as constituting one river.

<sup>6</sup> Brant was on his way to Quebec. He carried a letter from Lieutenant-Colonel Bolton, commanding at Niagara, to General Haldimand, of date February 12 (Public Archives of Canada, B. 96-1, p. 247).

## Head of the Lake 11th of March—

Got up at Daylight, wind still Ahead & too hard to put out, amused ourselves shooting Ducks & Black-Birds, set in raining at Ten this Morning, an hour before Sun-set A Thunder burst, with Lightning and a heavy rain, a Thick Fog & Calm, tho' still a high Swell, set off a little before Sun set, half an hour out, fog clear'd of with a hard North West wind, very Squaly, could not sail, row'd till Eight o'Clock, the swell and wind to high to go any further this night, put into the twelve Mile Creek,<sup>1</sup> with much difficulty got into the Creek, obliged to drag up the Boat, water sufficient but a Fall in the Mouth of the Creek 10 o'Clock at night before we could Kindle a Fire, the ground and wood wet, Encamped on a bare Point—the wind blew down our Tent—up this Creek a Saw Mill Might be erected having fine Rapids and good Timber for Boards. this Creek in the Fall is fill'd with Salmon, as all other the large runs of water are in the Fall Season, from Niagara to this the Lake in general shallow near Shore tho' good Anchoring Ground off in the Lake.

12th of March—Set off at Seven o'Clock this Morning the wind at N-W too much off Land to sail, row'd till 11 o'Clock, Put into the River called Du Credit<sup>2</sup> 17 miles from our last station, the shore in general good for Boats to Land, the Sand low and a good Beach, except the Points which are Bluff, two Messessaugoes came to me & informed me a number of them lived up this River, gave them Bread, put off at 12, row'd to the Bottom of the Bay<sup>3</sup> Above Toronto, hoisted sail, found the wind too high to go round Long Point<sup>4</sup> forming the Basin or Bay,<sup>5</sup> below Toronto,<sup>6</sup> Continuing sailing down the Bay to the Carrying Place,<sup>7</sup> unloaded the Boat, Hauled her over and Loaded again in an hour and a half, row'd from this to the beginning of the high Lands,<sup>8</sup> Encamp'd on the Beach & Secured the Boat—Toronto was built on a level Spot of Ground nearly opposite a long narrow neck or Point of Land running 7 or 8 miles into the Lake which forms a noble Bay of nine Miles deep, two or three Miles from the bottom of which on the N side, Ships can

<sup>1</sup> On the north side of Lake Ontario the creeks were distinguished by their distance from Burlington. "Twelve Mile Creek" flows into the Lake at Bronte in Halton County.

<sup>2</sup> There is a sketch of the River Credit in 1796 in *The Diary of Mrs. Simcoe*, p. 328.

<sup>3</sup> Humber Bay.

<sup>4</sup> Now the Island.

<sup>5</sup> Toronto Harbour.

<sup>6</sup> That is, the site of the old French fort, on a point running out from the present Exhibition Grounds.

<sup>7</sup> The sandy beach, then and until long afterwards unbroken, which connected what is now the Island with the mainland.

<sup>8</sup> Scarborough Bluffs.

ride in safety, it's strange the French Built the Fort where they did, and not where their Shipping were wont to Lay, which was a few Miles below the Fort, down the Bay—The Bay of Toronto was filled with All sorts of Wild Fowl, saw on the North side of the Bay several Wigwams & Canoes turned up on the shore, the Land about Toronto Appears very good for Cultivation, from Toronto to River du Credit it's twelve Miles Across the Bays but better than twenty along shore—which is the way Boats must take, Except the weather is very calm, or a light Breeze in your favour—from Toronto to the beginning of the high Lands is about nine or ten Miles down the Basin, but nearly double round the Point. 13th of March—Got off at Daylight, the wind from the Land, could not sail, rowed till twelve, pass'd the high Lands And a small Bay—put into Pine Wood Creek—here one Duffin a Trader resided formly, since which a Frenchman has wintered here,<sup>1</sup> he was off a little before we came, two houses a little up the Creek, the one Entire, the other strip'd, this Creek famous with the Indians for great Quantities of fish, the distance from this to the other end of the Highlands is about 20 Miles, 15 of which, is few, or no places, where a Boat could be saved in case of a Storm off the Lake, the Banck very high and steep, being a mixture of Clay and Chalk, nearly as hard as Free Stone, it forms a Romantic wild view—in Many places appearing like Towers in Ruin, the remains of Houses and relics of Chimnies &c, from the Lake you would take it for a large Town built of Stone partly demolish'd, put off at one o'Clock, rowed till three, the wind fair, sailed till four, rowed till dark, no wind, put in shore in a deep Bay, where we found a fine Creek, it's water as clear as Crystal, Encamp'd a little up the Creek—in this Bay—I Believe Vessels might ride with safety from the N.E and N.W winds, but not from the SE or SW. the distance from this to the Pine Wood Creek is about 30 miles, the Lake all along forming small Bays, in which you have a good Beach where Boats may be secure in case of a Storm—

14th March—Set off at Daylight, rowed till twelve, the swell increasing with the wind ahead at East put into a Creek called by the Indians *Pamitiescotiyank*.<sup>2</sup> (the fat fire) the distance from our Encampment 15 Miles, at this Creek and two others nearly of the same name, the Indians in the Fishing Season resides, all those three Creeks head near A Lake of about 30 Miles long, distant from this 50 miles, where the Messessaugoes

<sup>1</sup> The stream at Pickering is still known as Duffin's Creek, and Pickering Harbour also bore the name Frenchman's Bay.

<sup>2</sup> This and the preceding stopping place have not been identified. Butler's estimates of distances are not very accurate. It may be noted that Rice Lake, which evidently is the inland lake of which he speaks, bore an Indian name represented as *Pemedashcoutaycng*.

have two Villages and where the Canadians in Winter send Traders—Express in Winter pass this Lake on their way to Canada—Set off at one o'Clock, the wind of shore, row'd till two, sail'd till night, put into a deep Bay, found a Creek but could not get in, the Stream running very rapid, row'd further in the Bay and Encamp'd on the Beach, secured the Boat, from the fat fire Creek to this About 30 miles, the shore & particularly in the Bays Level and good Beaches for Boats to land—and the Points Bluff—the Lake Shoal near the Shore.

15th March—Put off as soon as day appeared and row'd till ten, Passed a long Point<sup>1</sup> which forms two Deep Bays, one on either side, of Ten miles to the Bottom—in the Bay to the West falls one of the Creeks before mentioned, Coming from near the small Lake Inhabited by the Messes-saugoes, in those two Bays Vessels might lay secure from Storms on the Lake in the West Bay sheltered from the South, E and NE winds, in the East from the West and N.W winds, the Point runs direct into the Lake for five Miles at least, you can't see the bottom of the East Bay in Passing Across from the End of the Point to the Main, this Bay has a fine River falling into it to the East. which forms a Basin And a Narrow Entrance into it, occasioned by a narrow neck or Sandy Beach between the Lake & River. At 11 o'Clock hoisted sail, the wind of shore, 1 o'Clock passed two Islands, the one called St. Nicholas,<sup>2</sup> the other never knew a name for,<sup>3</sup> nor did know there was one off St. Nicholas's—St. Nicholas's is About  $\frac{1}{2}$  a mile in circumference, the other about half that size—St. Nicholas's is About 1 Mile from shore, the other much smaller & about 2 miles beyond it, directly off into the Lake—either of which would be a safe Retreat for Vessels in a Storm, those Islands about twelve Miles East of the forementioned Point forming the two Bays. When the wind is high the Boats go within two miles of the bottom of these Bays and drag the Boats over a Point of Land about 200 yards wide. The Distance from our Encampment to the point about 12 miles, from the Point to St. Nicholas's Island ten miles. Continued sailing till night, put in shore and Encamped on a low point where we found a fine Creek and good Harbour—in a Pond, for our Boat saw this morning a great number of Wild Fowl, from the Island to this 25 miles. the shore much the same as yesterday only the Points not so Bluff—

March 16th—Put off our Boat very early, much Ice which had form'd last night, the wind ahead and partly from the shore, which drove the Ice in the Lake—row'd till nine o'Clock, came up to the two Duck Islands & saw the two Islands called the false Ducks, about South from the Real

<sup>1</sup> Presqu' Isle.

<sup>2</sup> Or Nicholson Island.

<sup>3</sup> Egg Island.

Ducks, the distance I take to be better than twelve miles between the real & false Ducks, as they appear from here, the Vessels if I remember well made the distance more, those Islands afford a safe Retreat for Vessels in case of a Storm. the Islands are much alike, about a mile round and nearly circular, distant from the main four miles, & from each other one— The weather Calm row'd across a very deep Bay<sup>1</sup> of Twenty Miles down, & about ten directly over, this Bay is much larger, if it is taken from the point of a large Island to the East,<sup>2</sup> and the Ducks to the West—part of the main and the large Island on the East side the Bay, from the Ducks appears like a number of small Islands, & in many places a single Tree is only seen, many Persons not acquainted with the Passage have taken down the Bay<sup>3</sup> supposing it to be the Entrance of the River and in coming from the River have imagined the main to the West to be Islands from its appearance and gone down likewise down this Bay, Traders go in two Days to the before mentioned small Lake Inhabited by the Messessaugoes,—Continued rowing till the mouth of Caderonqua Bay<sup>4</sup> the wind coming fair sailed into Caderonqua Harbour the distance from our Encampment to Caderoghqua about thirty two miles, the Land in Genl all along very low & swampy back, the point rockey & shallow for some way out—there is so much of a sameness in the appearance of the Land from the Highlands to the River that a few miles off in the Lake there's no knowing one place from the other, nothing but the walls of the Barracks & Houses remain of the Fort,<sup>5</sup> it appears never to have been a place of strength, neither do I think its situation will admit it's being made so, the Land very stony & ground back to command it, it has a fine, safe Harbour for shipping, the little Island opposite the Fort, impro ved in the French time is now cover'd with small Trees—

I am told Vessels can't sail out of Caderoghque to the Lake but with a North or North east wind, an East and South East and South wind are fair winds for ships once clear of the River, to Niagara.

The above are all the observations I made on the North shore of Ontario, which would have been more perfect but for the severity of the weather, which prevented my taking notice of many parts of the shore, neither did I think those remarks would have been seen, or would have been more particular.

(Signed) WALTER BUTLER

<sup>1</sup> Prince Edward or South Bay.

<sup>2</sup> Amherst Island, apparently. The entrance to the Bay of Quinté would thus be included.

<sup>3</sup> That is, by the Bay of Quinté and the River Trent. <sup>4</sup>Cataraqui, now Kingston.

<sup>5</sup> A water-colour sketch of Cataraqui, made by James Peachey in 1783, is in the Public Archives. See also the reproduction in *The Diary of Mrs. Simcoe*, p. 112.

## REVIEWS OF BOOKS

*Ursprung der französischen Bevölkerung Canadas: Ein Beitrag zur Siedlungsgeschichte Nord-Amerikas.* Von LOUIS HAMILTON. Berlin: Neufeld & Henius. 1920. Pp. 88.

In his preface the author of this inextensive monograph expresses the hope that he has at last solved the very complicated problem of the origin of the French Canadians and Acadians. What he means by "at last" is not clear. Does the expression refer to his own previous contributions to the literature of the subject, or has he in mind what perhaps he regards as the futile attempts of others? As far as can be seen from the present work the problem remains for the most part where it was, for there seems to be substantial agreement between him and nearly all his predecessors, such as Lortie, Sulte, etc., that Normandy contributed a predominant proportion of the immigrants of French origin who first settled Canada and Acadia. At page 33 he says that "the fact remains (for in this all the authorities, Rameau excepted, agree) that the foundation [*Grundstock*] of the French Canadians was Norman, and that all immigrants who came in later naturally acquired an admixture of their blood." This being so, it would seem that differences of percentage or methods of estimating results become, more or less, unimportant in this discussion.

But with respect to other regions of France it is possible that Mr. Hamilton has made justifiable corrections in the percentages, by realizing that the old parish records of Quebec probably often gave merely the regions from which the immigrants departed, and not the regions of their birth. For instance the table made by Lortie, and based on figures given by Ferland, attributes to the small province of Aunis eleven per cent. of the immigrants, a figure which Mr. Hamilton reduces to one-fifth of one per cent. The reason for this difference lies in the fact that Ferland attributes the numbers of persons sailing from La Rochelle to Aunis, where La Rochelle is situated, whilst Mr. Hamilton decides from the names of the persons found in the parish registers that they must have come from other provinces more or less remote from the port of departure. Ferland, on the other hand, credits Bretagne with three and a half

per cent., which Mr. Hamilton raises to nearly nine per cent. And so on with other regions. But here there arises a doubt in the mind of the reader: Mr. Hamilton hardly gives enough cases to enable one to judge of the accuracy of his attributions of origins. A certain amount of reserve in accepting his figures as final would seem to be prudent. But since the authorities are practically agreed as to the predominance of Normandy the other regions count for less. The percentages given by Mr. Hamilton for the chief regions of origin are: *Normandie*, fourteen, *Bretagne*, eight and four-fifths, *Guienne*, five and a half, *Champagne*, five, *Languedoc*, five, *Bourgogne*, five, *Ile-de-France*, five, *Picardie*, five, *Gascogne*, four and a half. In all, he has estimated the figures for forty-three regions (pp. 74, 75).

A very interesting point in the work is the statement that one of the objects the author has in view is to clear the way for an investigation of the reasons for the striking characteristics of the French Canadians and for their differentiation in these characteristics from the French of France (p. 9). The question is, he says, whether the French Canadians are really French at all (p. 10, note 1). The most important fraction of their ancestors have come from regions where there was a strong admixture of Germanic blood, either Saxon or Scandinavian, and to this can be traced the differences between them and Frenchmen of France (p. 16). The description of these French Canadian characteristics and their comparison with those of the Normans constitute a notable part of the work, but they cannot be discussed here in detail. They cover such points as love of the mariner's life, manner of building houses, physical features (such as complexion, figure, size, etc.), cleanliness, love of singing, cunning, high birthrate, longevity, sobriety, etc., etc.

In regard to some of these, quite remarkable things are said, as for instance on page 36 where the author affirms that he leans to the view that the majority of the French Canadians are big, slim, and strong with light-blond or dark-blond hair, and blue or gray eyes—a view which would strike most Canadians as not being very accurate. It must frankly be said that this ethnological side of the work seems the least admirable of any.

The third chapter deals with the language question. The characteristic features of the French Canadian speech are the same as those of Normandy. So that linguistic considerations strengthen and confirm the biographical and ethnological arguments.

The fourth and last chapter deals with the Acadians. They also have the characteristics of the Normans from whom they have mostly sprung, although there seems to be a larger infusion of Breton blood in their veins, than is the case with Canadians.

It may be permitted to add that there are some minor slips. For instance, on page 11, note 2, "Louis Herbert" should be Louis Hébert. On page 32, note 1, Drummond and Campbell (presumably W. W. Campbell) are classed as French-Canadian poets. One is also perplexed by the odd passage on page 79: "Such a policy has no adherents amongst the English Canadians or in Ottawa, and woe to him who would dare even to mention it." Mr. Hamilton seems to have some curious notions about Canadian politics.

J. SQUAIR

*Dollard des Ormeaux et ses Compagnons: Notes et Documents.* Par E. Z. MASSICOTTE. Avec une introduction par AEGIDIUS FAUTEUX. Montréal: Le Comité du Monument Dollard des Ormeaux. 1920. Pp. 93.

THE committee who have brought about the erection of a monument to Dollard and his companions, were wisely actuated in publishing the present volume. For deeds of valour reach better and further when written in books than in bronze, and the epic of the Long Sault is worthy of being eternally retold to the successive ages.

The task of grouping the documents and information relating to them could not have been entrusted to better hands than those of Mr. Massicotte. Few persons, if any, know more intimately the minute details of individual life and local conditions in early French Montreal. As a matter of fact, the present volume is a reprint, with an appendix, of two articles published by him in the *Canadian Antiquarian and Numismatic Journal*, in April, 1912, and January, 1913. In these articles, which form the bulk of the book, he has either given *in extenso* the most important documents, analysed the incidental material, or brought together details collected by various authors relating to the young heroes, interspersing the whole with illuminating commentaries. In the appendix, which is the new part of the book, there are printed two contemporaneous narratives and a brief mention of the fight.

Some of the manuscripts throw an entirely new light on the subject. They show that, before leaving, Dollard and his companions never contemplated, as currently related, sacrificing themselves in a fight to death in order to stem the coming invasion. They did not know the existence of such an invasion. Their first idea was only to make raids on the Iroquois. In his deed of gift, Valais clearly states that he makes it, "desiring to go in a party with Sr Dollard against small Iroquois bands, and not knowing how it will please God to dispose of him during this time" (p. 66); Dollard signs a note in which he says: "I promise to pay him on my return" (p. 40); and even Tavernier's will contains the

significant words: "In case that the said Tavernier dies, and if he does not die the undersigned [document] will be broken" (p. 68). It is evident that it was only when they realized the strength of the enemy that the heroes decided to die in the attempt to stop them. This does not lessen their glory, but merely throws a new light on it.

There exists in the Archives at Ottawa—a place never to be overlooked in relation to Canadian history—a manuscript which relates to Valais, one of Doillard's companions. It is a contract, dated December 21, 1654, between Ducharme and Valais and between them and M. de Maisonneuve. It gives important details, which contradict some assertions of Mr. Massicotte, taken from Faillon's *Histoire de la Colonie Française*. Faillon had evidently seen the document, but misread it. For instance it shows that Valais was not a carpenter, but a ploughman and farm-laborer, and that only Ducharme, his associate, who was a carpenter, agreed to mend rifles and pistols for M. de Maisonneuve.

This error, as well as other minor ones, is entirely due to Faillon; but it is a little surprising to find that Mr. Massicotte does not make use in his book of information already printed by himself. He does not mention the profession of Crusson, Josselin and Lecompte, and calls Doussin a miller and soldier (p. 52). Yet in his article, *La Recrue de 1653*, in the *Canadian Antiquarian and Numismatic Journal* for October, 1913, we find the names of all the above with the mention, "défricheur" while Doussin is termed "scieur de long".

It is a pity that Mr. Massicotte has not printed all the original information at hand. Why leave out the narratives of Dollier de Casson and M. de Belmont, which are extremely precise and valuable? There is also a letter of Marie de l'Incarnation, dated November 2, 1660, which could have been printed, as it gives additional details regarding the fate of the prisoners.

Though not as complete as it might have been, this small book is a valuable piece of work, with many interesting details.

GUSTAVE LANCTOT

*Grands Anniversaires: Souvenirs historiques et pensées utiles.* Par l'abbé H.-A. SCOTT. Québec. 1919. Pp. xiv, 304.

THE ABBÉ SCOTT is already well known to Canadian scholars, especially for his admirable contributions to *Canada and its Provinces*. His latest work is a collection of papers dealing with a variety of subjects. It can easily be divided into two parts; one more or less historical, in which parochial history is prominent, and another consisting of sermons and addresses.

In his preface the abbé Scott defends the gathering of mere stray

sheaves into the garner-house of a book. The defence, which is wholly unnecessary, is a *jeu d'esprit* worthy of Charles Lamb. Indeed a kindly humanity, a gentle humour, a prevailing courtesy combine with the scholarship to which we have grown accustomed to make an eminently readable and interesting volume. The purely historical essays—those on the parish of Notre-Dame-de-Foy, of Saint-Columb-de-Sillery, of St. Félix-du-Lap-Rouge—have necessarily a severely local interest. But the author seems to have grasped with the true historian's instinct the value and limitations of such history. He is always trying to avoid a mere chronicle, by a sense of historical values, and he always keeps in mind the wider background of history into which really valuable local history must fit. Whether he is dealing with an old parish—like that of Notre-Dame-de-Foy—or with one comparatively new—we continually find evidences of these qualities.

The mechanical side of the book is good. Personally we could have done without the illustrations, and the abbé Scott seems to have forgotten some half-smiling phrase in their defence! There is unfortunately no index—a defect which is a severe handicap. Might it not be possible, especially in books of an historical nature, for French-Canadian authors to rectify this defect which is too common in their books?

W. P. M. KENNEDY

*Lendemains de conquête: Cours d'histoire du Canada à l'Université de Montréal, 1919-1920.* Par l'abbé LIONEL GROULX. Montréal: Bibliothèque de l'Action Française. 1920. Pp. 235

A RECENT worker in the historical field, the abbé Groulx is proving himself a prolific author. *Lendemains de conquête*, a series of five lectures delivered at the University of Montreal, is the suggestive title of his latest contribution. In it, hardly less than in his previous volumes, he reveals himself a psychologist, a painter, and a master of style, with an extensive knowledge of history. But in him the literary man dominates the historian. What interests him, what he delights in, what he is not afraid to go out of his way to get, is the description, the analysis, or the general view—in a word, *le tableau*. For he knows how to group facts and ideas; how to mix the various colours; and how to make out of the whole a pleasing and living picture. The artist in him almost never fails.

Very literary, the abbé Groulx is also at the same time very provincial. We suspect him to have read rather attentively M. Bourassa's book, *Que devons-nous à l'Angleterre?* For him the fact of the survival of the French in Canada is due to no one but themselves. This idea permeates the whole book. It is in its light that everything is seen,

discussed, and finally judged. Unconsciously, in working out this thesis, his analysis sometimes tends to misinterpret facts, and his praise, already meagre, is always conditional. He has not yet—though he is improving on his previous works—succeeded in reaching the higher level of history, the serene impartiality, for instance, of Mr. Chapais. For his romantic and patriotic mind, contemporaneous elements play but a very small part in the making of history. Racial atavism is, under Providence, the explanation of all things, *omnibus rebus et quibusdam aliis*.

Influenced by these ever-present factors, literature and environment, the abbé Groulx has produced in *Lendemain de conquête* an interesting, well-informed, and well-written book, which will probably be found splendid by the Quebec majority, sectional by outsiders, and unconvincing by scholars. Between its two covers, is gathered a good deal of information, based on wide reading and occasional researches. Though it is generally but a new presentation of known facts, the data are well brought together, but sifted through a partisan mind. The author often considers eighteenth century facts and ideas with the mentality of a twentieth-century man. As a consequence, he occasionally lacks objectivity and retrospective adaptation.

Falling from a professor's pulpit, the abbé Groulx's teaching to uninformed minds is not without undesirable consequences, for, though few passages can be actually impeached, since the author is too honest not to be generally fair and too broadminded not to state facts frankly, yet the whole tone is decisively one-sided and adversely suggestive, with an atmosphere of suspicion, bitterness, and distrust. Not only historical veracity, but literary pleasure is unfortunately impaired by the ungenerous treatment of things relating to old France, by the continuous harping on the fact of the conquest, and by the too frequent disparagement of things British. Racially speaking, it would have been better for New France not to have been conquered, but it was no disgrace for the men who fought at Carillon and Ste. Foy to yield to vastly superior wealth and numbers. French Canadians have won enough battles to look any man in the face. Let them not make their glorious history a long wail of recriminations. To extol their ancestors' courage and virtues (and these were magnificent), it is not necessary to abuse France and to belittle England. French Canadians had, it is true, to fight to secure most of their rights. But there is nothing in that either special to them or disparaging to England. No progress is ever achieved without a struggle. The English had to fight civil wars to establish their constitution. The French had to slaughter a king and thousands of citizens to reach political freedom. It is praiseworthy of us to have always striven for constitutional improvement, but it is not a disgrace for

England. If conservatism were a crime, the history of the world would be nothing but a criminal record. Let us not diminish our achievements by making them a reproach to others. We must not forget that England, though she inevitably made mistakes, granted us in the short space of twenty-eight years more rights than we ever enjoyed before. In the name of history, let us have the pride of being just.

Under five different chapter heads—"Situation of the Vanquished"; "Policy of the victor"; "Tribunals of the military occupation"; "The religious question"; "After six years of conquest"—Mr. Groulx examines the economic, political, and religious condition of the newly-conquered people. His picture of the desolation of New France is very vivid. He rightly holds Wolfe and Murray to blame for their wanton destruction of Canadian farms, always to me, especially in the case of Murray, a subject of wonder and regret. The whole picture, however, is not without redeeming features, for the country at large remains untouched; the population, almost entirely rural, are left with their greatest wealth, a fertile soil beneath their feet. As to the unsatisfactory character of the capitulation, it was mostly due to Vandreuil's stupidity in drafting it. Again, it is painful to find France, charged later with the desire of getting rid of Canada, placed here with the accusation that she rejoiced with Voltaire at the loss of the colony and forgot all about it. This goes too far, as the evidence shows that the King felt deeply about it, that the ministers scored Vaudreuil for its poor defence, that the France that mattered, industry and commerce, the army and the Church, were aggrieved by it and agitated for its recapture; while the ministers and the clergy continuously interested themselves in things Canadian and were instrumental in obtaining a bishop for Canada.

Judicial organization is probably the most satisfactorily treated subject, because the documents on that point are very numerous and absolutely conclusive. In each of their districts, Murray, Gage, and Burton established courts judging according to French laws, and with a laudable accuracy Mr. Groulx describes their composition and mechanism. The evidence of the good spirit and working of the system brings him to write: "In all loyalty we must say more and declare that our fathers were well satisfied with the whole judicial administration of the time. And what could they complain of? None of the documents of the period betrays a thought of using the courts in favour of a policy of exploitation or persecution. Far from it." If there were more pages in that tone of justice, though the chapter ends with a Parthian shot, the whole book would gain in value and impartiality.

The religious question was a thorny one. Here we had a foreign Catholic colony belonging to a Protestant empire, at a time when no

country permitted liberty of conscience. Without definite rights in that sphere the Canadians joined all their efforts in demanding a bishop. That struggle of theirs against prohibitive legislation, adverse prejudices, and anti-papist feeling constitutes a fine story of religious zeal, firmness, patience, and triumphant endurance. In spite of some colouring and lack of atmospheric adaptation, the story is well told, ending with Briand's consecration and return to his rejoicing fold. To Murray's eloquent pleading was due in large measure the final success. The attribution of his conduct to a simple motive of revenge against the enemies of the Canadians, is not supported by the facts. To the British ministers who granted to a foreign colony a religious liberty which no Parliament dared concede to English Catholics, the author might perhaps have said, Thank you; but then, if he acknowledged gratitude, what about racial atavism?

The book ends with a survey of the situation in 1765. It is amusing to watch the perplexity of the author, divided between his religious faith and his un-British feelings, when he has to pronounce judgment on the conquest. The Church holds it "a providential fact", sparing Canada the horrors of the French Revolution, but the abbé Groulx's nationalism balks before the admission of a British conquest as being a "blessing".

Purposely we now come back to the second chapter, on England's policy, because in it is exhibited the most unsatisfactory treatment of historical evidence. Though the facts and documents of the period, even those used in the book, show British ministers and generals pursuing towards the Canadians a liberal policy and establishing a kindly administration, so much so that Mr. Groulx admits that there must be destroyed "the legend of a military régime, interfering, violating all rights", still by quibbling, and by belittling policies and persons, the impression is left that, though no doubt much was done by the British, yet surely they had some interest in doing it; that they had something up their sleeves; and that they could have done more.

It would be too long a task to bring these pages into line with documentary evidence. A few examples may serve as illustrations.

Mr. Groulx makes it a grievance, and the pretext of a fine romantic page, that the British should have disarmed the militia men. Though this is a constant rule of war, he gives it the character of a mean deed—"superfluous", says he, because so few soldiers were left in the country. This is misinterpreting facts and reversing logic. The paucity of soldiers is, on the contrary, a reason for disarmament. In any case why, without appositeness, term the British soldiers "jailers" (pp. 64, 69, 70), when we know "that the troops have lived with the inhabitants in an harmony unexampled even at home".

Quoting the splendid letter of Egremont to Amherst, in which he says, "It is the King's pleasure" and "orders" that the Canadians, "being equally His Majesty's subjects . . . be humanely and kindly treated", and that "insulting" or "reviling" them, "ungenerous insinuations" against them should be punished, Mr. Groulx belittles it, as a proclamation for public consumption, something like an election speech, "good dispositions" which "do not amount to much" (p. 85). Yet he knows it was an order, and that it was carried out, and that people were punished for disobeying it.

The most surprising thing in the book, however, is the treatment of Murray. Mr. Groulx knows that Murray, shut up in Quebec, with Canada in the hands of a French army, rebuilt houses for the population, repaired the church of the Ursulines, had money collected among the British merchants and troops to feed the starving citizens. He knows that Murray established courts judging according to French laws, in opposition to his instructions; that even before the treaty, he praised the Canadians and asked for them religious freedom, and that after the treaty he defended them against attacks and tentative oppression, and that he recommended the appointment of Briand as a bishop. Here is how Murray writes to a minister: "I glory in having been accused of warmth and firmness in protecting the King's Canadian subjects, and of doing the utmost in my power to gain to my Royal Master the affection of that brave, hardy race—I declare to your Lordship I would cheerfully submit to greater Calumnies and Indignities, if greater can be devised than hitherto I have undergone".<sup>1</sup> And he asks for his resignation rather than to carry out penal laws against them.<sup>2</sup> Here again is how he writes privately to his secretary: "You know Cramahé, I love the Canadians but you cannot conceive the uneasiness I feel on their account, to see them made the prey of the most abandoned of men while I am at their head is too much for me to endure much longer, take courage, therefore my man, speak boldly the truth and let you and I at least have the consolation of having done our duty to God, to our country and our own consciences".<sup>3</sup> Can a more noble language be imagined, a monument both to Murray and to the Canadians?

Yet this Murray, generous, big-hearted, frank to impetuosity, just as justice, straight as a sword, Mr. Groulx describes as a man "with doubtful qualities" (p. 76), "suspicious designs" (p. 157), "tortuous and dissimulating character" (p. 172), who fought for the Canadians, "in order to checkmate" his personal enemies.

<sup>1</sup> Canadian Archives, B. 8, Murray to Shelburne, 20th Aug., 1766, pp. 5 and 6.

<sup>2</sup> Ibid., Murray Papers, vol. II. Murray to lord Eglinton, Oct. 27th, 1764, p. 171.

<sup>3</sup> Ibid., Murray to Cramahé, 17th Nov., 1764, p. 190.

It is true that Murray made use of the apostate Roubaud, that he dreamed of making converts to Protestantism, that he did not like the Jesuits, but what is wrong in all that? Having read the whole correspondence of Murray, I have always hoped that French Canada would erect a statue to its greatest and warmest friend, who sacrificed his position for them, who gave them justice and religious rights, and whose letters are the foundation of the Quebec Act. After reading the unfortunate pages of *Lendemains de conquête*, one is glad to know that Quebec has just placed the portrait of Murray in her hall of fame, the chamber of the Legislative Assembly.

Let us go back to the address of the seigniors of Quebec to the King, after Murray's departure, and read the words of those who knew him well and lived with him. "The Seigniors in the district of Quebec, as well in their own names as in those of all the inhabitants, their tenants, penetrated with grief at the departure of His Excellency the Hon. James Murray, whom they have since the conquest of this Province loved and respected even more on account of his personal qualities, than as their Governor, believe they would be unworthy to live, if they did not strive to make known to Your Majesty, their Sovereign and to the whole of England, the obligations they owe him, which they will never forget, and the sincere regret they feel at his departure. . . . our Father, our Protector, is taken from us, . . . a governor, . . . who was making (us) happy to (our) satisfaction"<sup>1</sup>. . . .

Space is lacking to analyse Mr. Groulx's historical methods. To say the least they are unscientific. In the case of documentary evidence, the above illustrations abundantly prove it. It might be added that, on page 210, he makes a statement about the domiciled Indians and refers as his authority to a letter of Gage which does not mention a word about them. On page 90 by modifying the text of a quotation, he entirely changes its tone. On page 227 he mutilates a text, and by piecing together two unrelated parts makes it say something which is not in the document. His handling of references is no better. Quoting from one printed source, he will sometimes give the full title of the collection (p. 14), then only an abbreviated title (p. 22), and again only a sub-title (p. 15). He will cite a document without indicating that it belongs to a collection (p. 26). Quoting from a compilation, he does not mention the nature, nor the date of the documents, (pp. 36, 61, 66, etc.), but once in a while he will (p. 65). Sometimes he omits the pagination (p. 14), or the date of a letter (p. 19), or the indication of the series' volume (p. 20), or the name of the author (pp. 28, 39),

<sup>1</sup> Report on Canadian Archives, 1888, pp. 18-20.

or the location of the documents (pp. 47, 81). He will quote a letter without indication of the location or of the collection (p. 153), or give in French the title of an English collection (p. 153). He will present his authorities in any kind of order, beginning sometimes with the location of the series (p. 82), sometimes with the designation of the document (p. 83). Of course, the name, place, and date of editions are very seldom or indifferently given (pp. 23, 33, 36, etc.). On the same page he refers to the same source under different names: e.g., Archives publiques, and Archives du Canada (p. 41); Rapport sur les Archives (pp. 45, 47); and this is again transformed into Archives Canadiennes, Rapport de 1905 (p. 40). In the same note, he will quote the same series in two different ways (p. 32). He will even cite in his text a letter without any reference, but with the indication that he mentioned it before (p. 83-84).

From the historical student's standpoint, the book's utility is thus greatly restricted, for unless one is familiar with the bibliography of the period, one is completely puzzled by the unscientific treatment of the references. There is just too much literature to make the book historical and just too much colouring to make it authoritative. This is a pity, because the greater part of it is good, and a large number of readers would enjoy its qualities, which are not few. The literary merit is specially commendable, and some pages are master-pieces of historical and psychological reconstitution.

GUSTAVE LANCTOT

*The Slave in Canada.* By the Hon. WILLIAM RENWICK RIDDELL. (Reprinted from the Journal of Negro History, vol. v, no. 3, July, 1920). Washington, D.C.: The Association for the Study of Negro Life and History. 1920. Pp. v, 120.

MR. JUSTICE RIDDELL's paper on *The Slave in Upper Canada*, originally contributed to the Royal Society of Canada, has been expanded into a general study of slavery in Canada which occupies the whole of the *Journal of Negro Slavery* for July, 1920. It now appears in reprint, with title page, and forms the most complete study that has yet appeared of slavery in the British North American possessions. Judge Riddell has shown that slavery existed in this country within a few years after the first settlement of the country by the French, and that it continued until the Imperial Act of 1833 freed all slaves in British dominions the world over. Much has been written respecting the legislation of 1793 in Upper Canada, which is popularly supposed to have ended servitude in that province, but in ample detail Judge Riddell shows that there were still slaves during the first quarter of the nineteenth century: "The Act of 1793 was admittedly but a compromise measure; and beneficial as it was, it was a paltering with sin."

Physical conditions in Canada made slavery on any large scale an impossibility, just as in New England, so that at no time were there ever any large number held in servitude in this country. Those who were so held were chiefly personal servants, many of them brought in by their owners from the United States. There was one phase of the general question of slavery that affected Canada for many years, namely, the refuge accorded here to slaves escaping from their masters in the south and making their way to this country. On the eve of the Civil War in the United States Canada had a negro population of probably 30,000, most of them refugees, settled largely in south-western Ontario and in two or three of the cities. Mr. Justice Riddell devotes one chapter of his study to this phase of the subject. Rendition of fugitives back to their masters became an issue in Canada on more than one occasion, but particularly in the John Anderson affair in 1859. This case, which attracted attention in England and caused a sharp difference of opinion between the British government and the Canadian authorities, was regarded as a test case by the Missouri slave-holders, who pursued the negro for seven years before they succeeded in landing him in a court. Their disappointment was keen when the Canadian courts freed Anderson on a technicality, though it was obvious that the British government was stoutly opposed to his surrender in any case.

Mr. Justice Riddell's study of slavery is well documented. He has drawn largely upon the resources of Canada's great storehouse of historical material, the Public Archives, and has also consulted freely the vast literature of slavery which resulted from the system being so widespread on this continent. Altogether he has produced a study that will be of permanent value.

FRED LANDON

*The Loyalists of Pennsylvania.* By WILBUR H. SIEBERT. (The Ohio State University Bulletin, vol. xxiv, number 23, April 1, 1920: Contributions in History and Political Science, number 5.) Columbus: The Ohio State University. Pp. 117.

*The Loyalists in the Revolution.* By FRANK R. DIFFENDERFER. (Papers Read before the Lancaster County Historical Society: September 5 and November 7, 1919.) Lancaster, Pa. 1919. Pp. 113-125, 155-166.

PROFESSOR SIEBERT has made a valuable contribution to the history of the Revolution, restricted though it is to the operations of the Loyalists within the limits of the State of Pennsylvania. He appears to have impartially consulted all available original sources of information, and has carefully arranged his material under headings to which the subject

matter most readily lends itself. The first two chapters are devoted to the Loyalists of the Upper Ohio and of north-eastern Pennsylvania, while the third deals with the efforts at repression in the south-eastern part of the State. The general reader, however, is likely to pronounce the fourth and fifth chapters the most readable of all. These deal with the invasion of the State by General Howe, his occupation and subsequent evacuation of Philadelphia, and the inevitable reprisals which followed. The concluding chapters further depict the treatment of the Loyalists at the hands of the Revolutionists, and the emigration of large numbers of them to the British possessions to the north.

Professor Siebert does not even touch upon the causes leading up to the Revolution, and thereby escapes much controversial matter. Rarely do we find a historical work so free from the personal views of the author. He does not plead the cause of either side, but in a fair and judicial manner presents the facts in their proper sequence and leaves it to the reader to form his own conclusions. The usefulness of the volume is greatly enhanced by a very complete index and by foot-notes indicating the authorities consulted. Another interesting feature is that each chapter is complete in itself and may be read without reference to the others. The monograph might well be published in book form for more general circulation.

The ostensible object of Dr. Diffenderfer's paper is to remove many of the false impressions created by a study of the school and popular histories of the United States. The author unhesitatingly declares that, in almost every community, even the rank and file of the Loyalists were among the most wealthy and influential men. Their position he describes as follows:

It was first, last, and all the time for the unity of the British Empire. At the same time, it did not uphold the colonial system of the mother country in its entirety. Far from it. Before the actual breaking out of hostilities, as well as for some time after, the Loyalists were quite as anxious as the Whigs to have existing abuses corrected. But they proceeded through legally organized forms to bring these ends about. It must be remembered they were Americans as well as the Whigs and as truly attached to their native country as the latter. But they believed and hoped that justice could be better secured by mild measures than by force and that the better sense of the English nation would in the end right their wrongs.

Dr. Diffenderfer defends the confiscation of the property of the Loyalists as a retaliatory measure in the first instance, but does not seek to excuse the cruel treatment meted out to them in the later stages of the Revolution. Upon the whole, the paper is a plain and sympathetic statement of the cause of the Loyalists, and should go a long way to attain the object the author had in view.

W. S. HERRINGTON

*Spain and England's Quarrel over the Oregon Country.* By F. G. YOUNG.

(Quarterly of the Oregon Historical Society, March, 1920, pp. 13-20).

*The Log of the Princesa, by Estevan Martinez.* By H. I. PRIESTLEY.

(Quarterly of the Oregon Historical Society, March, 1920, pp. 21-31).

THE Nootka Convention of 1790, which settled the dispute arising out of the seizure of Meares's vessels, marks one of the crucial points in the history of the northwest coast of America. Our knowledge of the circumstances of the seizure has been confined, practically, to Ingraham's letter, Colnett's account, and the statements in Meares's *Memorial* and in his *Voyage* on the one hand, and in the reports of the Viceroy of Mexico on the other. Meares's mendacity is proverbial. Colnett's account was written nine years after the event and entirely from memory—a fact which, coupled with his interest and his alleged insanity, has greatly reduced its value. The letter of Ingraham and Gray carries on its face a strong Spanish bias. The furthest investigations of Bancroft and Professor Manning failed to unearth the log of the *Princesa*, which was known to have been kept by Martinez, containing the daily entries of the transactions at Nootka during this important period. The late Professor Stephens of the Academy of Pacific Coast History discovered the missing document in the *Depo'sito Hidrogra'fico de Madrid*, and a copy and translation are now in the Bancroft Library. Comparing the statements in the *Log* with the other sources, Mr. Priestley has been able to fill in some of the blanks in the accepted story, and to modify and correct some of the positions which have heretofore passed as history. He freely admits that this evidence comes from the pen of an intensely interested party, but being a day-by-day record made before any international complications had arisen or been dreamed of, he claims for it more weight than it would otherwise carry. It is not surprising to find that Meares's allegation that Martinez required Funter to sell to him the *North West America* obtains no support from the *Log*. It is inherently improbable. No positive light is thrown upon the question, so much stressed and so much discussed by Manning, as to whether the building erected by Meares was in existence when Martinez reached Nootka. The reasons for the seizure of the *Argonaut*, as given in the *Log*, are that Martinez's suspicions regarding Colnett's real intentions were justified by his alleged refusal to produce his instructions and that the Spanish flag had been insulted by his arrogant conduct. The capture of the four vessels seems to have been the result of Spanish jealousy aroused by the mystery and duplicity that surrounded the whole venture, increased by imperfect interpretation, and inflamed by the old-standing mutual hatreds of the two nations. Mr. Priestley's article, though all too short and presupposing a fair knowledge of the existing authorities, is the

latest word upon this tangled matter; it will form a valuable appendix to Manning's scholarly discussion. As the author remarks: "We have not yet a perfectly unbiased account of what really did happen at Nootka nor shall we, in all likelihood, ever have." The whole story of the Spanish occupation of Nootka is such a delightfully romantic page that the hope is entertained that the *Log* in its entirety may yet be given to the world.

Mr. F. G. Young has added as an introduction a short *résumé* of the history of the coast up to the date of the trouble. It is a boldly sketched general view of the western movement outlining the advance of the Spaniards from the southward and of the Russians from the eastward and the operations of the earliest maritime traders. While sufficiently exact for the general reader it contains a number of minor inaccuracies. It is scarcely correct to say that Spain had by the explorations of 1774 and 1775 "traced the main outlines of the coast from about 55° southward"; Maurelle's *Voyage*, which is the only authority in any way supporting the statement, shows that the *Sonora*, on the return voyage in 1775, was never far from shore, but the erroneous outline of the accompanying map, the lack of any name-giving, and the total absence of any description of the coast render the quoted expression inapplicable. The £20,000 reward had been offered from the year 1745, but it had been limited to the discovery of a passage through Hudson Bay by a privately owned vessel; all that was done in 1776 was to remove these limitations (see Cook's *Voyage*, Introduction, p. xxxvi). Captain Cook did not anchor in, nor name, Friendly Cove; he anchored in Resolution Cove, Bligh Island; Friendly Cove was named by Strange in 1786. John Ledyard was not a sailor; he was a corporal of marines upon the *Resolution*. It is doubtful if any maritime trader even dreamed of permanent occupation; the trade was essentially ephemeral. The *Iphigenia* was fitted out, not by "a company of English merchants at Bengal, India", but by John Henry Cox & Co., merchants at Canton (see Duffin's letter in Vancouver's *Voyage*, 1801, vol. 2, p. 370). The *Iphigenia* was still sailing under Portuguese colours when seized, as appears from Mr. Priestley's quotation from the *Log* (p. 24); the license to trade had not then reached Nootka, as neither the *Princess Royal* nor the *Argonaut* had arrived.

F. W. HOWAY

*Old Province Tales: Upper Canada.* By WILLIAM RENWICK RIDDELL.  
Toronto: Glasgow, Brook & Company. 1920. Pp. 280.

THIS charmingly printed and bound little volume is written by one of the busiest high court judges in Ontario. Mr. Justice Riddell has well

learned the secret of organizing his leisure, for year after year there comes from his pen enough of excellent writing on Canadian history to justify the impression that he must give his whole time to such tasks. By constant practice his style has become clear and concise, and he has learned the secret of selecting what is salient. He is a diligent student of manuscript archives, and by the use of unedited material is adding to the sum of our knowledge. The present volume is rather a by-product: it is a collection of short papers on separate incidents of the early history of the Province of Ontario. Its chief value is in creating an atmosphere for the past. We are told intimate events of the life of the period about 1800, and inevitably we find the outlook of that time often in sharp contrast with that of the present.

Duelling was common during the first half-century of the life of the province. It continued, indeed, after the union of the two Canadas in 1841. During the troubled days in 1849 when the parliament buildings in Montreal were burned by a mob, Mr. (afterwards Sir) John A. Macdonald and Mr. William Hume Blake were ordered under arrest by the Speaker because they were known to be about to fight a duel. In the account of "The First Attorney General", John White, we learn that he was killed by Major Small at York, now Toronto, in a duel in 1800. In 1806 William Dickson, a prominent lawyer, killed William Weekes in a duel at Niagara on the American side of the river. Later there was a fatal duel at Toronto between Mr. Ridout and Mr. Jarvis, members of well-known families. Ridout was killed, and for years afterwards the congregation of St. James' Cathedral on Sunday morning might have seen the mother of the slain man waiting to curse, for his share in the tragedy, Mr. Boulton, the second of the slayer, as he left the church.

We have other interesting lights on the life of the time. "A Journey from Montreal to Detroit" consists of a narrative written in 1789 (*annus mirabilis*) by Miss Anne Powell, daughter of William Dummer Powell, who made the journey to take up the duties of a judge at Detroit, then British territory. The educated writer gives a vivid picture, important for the history of transportation in Ontario. "The Tragedy of the 'Speedy'" is an account of the loss of a sailing ship on Lake Ontario in 1804 with a judge, the solicitor-general of the time, and other prominent people on board. Not one of the ship's company escaped. Another tragedy is that of "Brock's Aide-de-Camp", John Macdonell, killed in 1812 with his leader. "The Earl of Selkirk" is yet another tragic figure, and the author gives his high authority to the view that the proceedings against Selkirk in Upper Canada were entirely fair, a view not held by Selkirk's family. "Some Non-British Immigrants" tells of foreign settlers and especially of French émigrés who came to Upper Canada.

Only one Frenchman, a Mr. St. George, made a success, and his son was long a wine merchant in Toronto. There are sketches of the rebel "Generals" Sutherland and Theller, in the rising of 1837-1838. In the account of the agitator, Robert Gourlay, the author is correct in his warning that the passions of the time have so clouded the evidence that we cannot take words at their face value. "The Baldoon Mystery" shows the astounding belief in witchcraft in Canada less than a hundred years ago. With such a variety of contents Mr. Justice Riddell has given us a valuable and interesting volume. He is surely wrong in saying that knighthood is now an honour "almost as of course" (p. 225) for a Chief Justice in Canada. We are apparently to have no more knights.

GEORGE M. WRONG

*Select British Documents of the Canadian War of 1812.* Edited with an Introduction by WILLIAM WOOD. In Three Volumes. Volume I. Toronto: The Champlain Society. 1920. Pp. xvi, 678.

THE first volume of this interesting and scholarly work begins with an introduction of one hundred and thirty-two pages by the editor, giving a condensed survey of the principal events. Col. Wood was enabled, as he states, by the Champlain Society, to make a tour of some three thousand miles, to visit the chief scenes of action, and thus to obtain a certain amount of local colour for his narrative. As the face of the country has, however, been greatly changed in the course of a hundred years, he does not appear to have been particularly successful in this mission.

The chapters of the introduction, twelve in number, are intended to correspond exactly with the groups of documents that are to follow. The narrative is marked by considerable facility and felicity in expression, and is generally accurate in statement. The same field has recently been covered by the same writer in another publication of about the same length. Under these circumstances, a certain amount of repetition in phraseology is but natural and, perhaps, inevitable. In both, the contest is described as "a sprawling and sporadic war"; in both, the American General Smyth is labelled with the epithet "egregious"; in both the American side of the frontier is described as becoming "a line of blackened desolation". Many instances occur in which a sentence is slightly altered by a mere transposition of words, or change of adjectives.

Unqualified eulogy is bestowed on Brock; if he committed any errors, they are ignored. Tecumseh was "the very incarnation of the Red Man at his best" (p. 74). Drummond is described as "a man of talent, though not a genius, and every inch a soldier" (p. 94). Other British officers receive some hard knocks. Prevost, we are told, "lacked effective initiative himself and he was afraid of encouraging it in others" (p. 3).

Again, "what were to prove two of the weakest spots in the defence of Canada—Prevost and Baynes—came into evidence at Quebec just a year before the first decisive actions of the war" (p. 4). In another passage, the adjutant-general, Colonel Edward Baynes, is stigmatized as "a man who apparently was best fitted for doing what is known as the 'dirty work' of a staff. The gossip against him was that he was the son of a hospital mate at Gibraltar, and that he got on by doing what weak commanders of higher motives, like Prevost, would not do for themselves, but would allow others to do for them. In any case he is a sinister figure in the war. Not one good stroke of work stands to his credit; and he was the willing tool of Prevost in all the disastrous truces that so greatly damaged the British cause. He was even said to have profited by them. But there is no convicting evidence of this" (pp. 59-60). Sheaffe, likewise, unfortunate man, "who had many American connections, was criminally weak after the battle [of Queenston] was won," "and the military advantages of victory were wantonly thrown away" (p. 45).

Only two secondary authorities are anywhere cited. One of these is the work entitled *An Account of the Chief Naval and Military Occurrences of the Late War*, by William James, with reference to certain documents, which, in fact, were mostly reprinted from the London *Gazette*; and the other is Mr. L. H. Irving's careful volume on *Officers of the British Forces in Canada during the War of 1812*.

The account of the action at Châteauguay is discursive and disproportionate in length; but, in other respects, the narrative is well balanced.

The documents in the present volume relate entirely to events that preceded the war or that occurred in the year 1812. They are divided into two large groups. The first of these, entitled, "Preparation, 1801-1812", is arranged in three subdivisions, under the heads: "General", "Naval", and "Military". It contains one hundred and fifteen papers of varying length and value. The editor takes care to explain that no discrimination has been made "between documents that have been printed over and over again and those which are now published for the first time. There are several 'finds' of prime importance in the text as well as in the maps and illustrations." These "finds" are not otherwise indicated and the reader is accordingly obliged to hunt for them unassisted.

In this group, the majority of the "general" and "naval" items appear at first sight to be printed or republished for the first time. Among those thus reprinted may be noted the Army Bills Act and *The Guardian Extra* of June 9, 1812, containing a manifesto by Joseph Willcocks.

The Army Bills Act is termed "the most important financial measure of the war, and in one sense, of the whole financial history of Canada. These bills were the first paper money ever redeemed at par." The latter statement is certainly open to question. In most of the British colonies in North America, paper money was adopted at an early date, as an expedient to supply the lack of coin. The paper money issued by the Province of Massachusetts Bay was actually redeemed in hard cash with the indemnity received from the British Treasury for the expenses incurred in the conquest of Louisbourg in 1745. In Canada paper money had been introduced in 1696. Its use was discontinued in 1720, but resumed two years later. In 1812, a well-informed correspondent of the Colonial Office wrote that, "with paper money in Canada, the French erected forts, paid armies, raised fortifications, built vessels, monopolized the fur trade, hired Indians, and defeated for near seventy years all the attempts of Great Britain." The inhabitants of both provinces had long been accustomed to the circulation of merchants' notes for small amounts, known as "bons", from the word printed or written in the margin.

Only two despatches from Lord Bathurst to Prevost are included in this group. None of the letters written by Augustus Foster, the British minister at Washington, to Prevost, and few of those from Liverpool to Prevost, or from Prevost to Liverpool find a place. These throw much light on the situation, and it seems strange that they should have been overlooked or ignored.

Many of the more important documents in the military subdivision have been in print before. The exceptions are mostly General Orders. One interesting document, now reproduced, is a description of the semaphore telegraph, accompanied by instructions for its use, in the line of communication, established by Sir James H. Craig, in 1808, between the citadel of Quebec and the isle of Bic. A former system had actually been used by Haldimand in 1782, when threatened by the attack of a French fleet. The statement that this mode of signalling was employed on the Niagara frontier, is probably a mistake. Owing to the wooded nature of the country, the method adopted there for the rapid transmission of information was a chain of beacons.

The second group of documents, entitled, "Brock, 1812", is arranged in no less than seven subdivisions. The first of these contains forty-five items; the second, twenty-one; the third, fifty-one; the fourth, thirty-five; the fifth, seventeen; the sixth, seven; and the last, two. With very few exceptions, these have been printed within recent years in other collections; sometimes, it must be said, not with the same accuracy, and never in such a sumptuous form.

The method of grouping has some disadvantages, as the same letter frequently deals with events in separate theatres of action. Instead of being arranged in chronological order, the enclosures follow the covering letters.

One "find" of considerable value is the "Diary of William McCay", from August 1 to September 8, 1812.

It seems odd that the Federalist skit, called "The War of The Gulls, an Historical Romance", should be included among "Select British Documents".

Most of the documents now printed exist as originals or transcripts in the Dominion Archives, but such other diverse sources appear to have been drawn upon as "The Royal Hospital, Chelsea", "An Order Book of Lt. Colonel John Macdonell", and "The New York *Gazette*".

Notable omissions are the correspondence of Prevost with Sir John Borlase Warren, and several important letters from him to Lord Bathurst and letters from Bathurst.

Great care has evidently been taken to reproduce the peculiarities of spelling, punctuation, and capitalization. Printer's errors are few and unimportant. There is no table of contents, nor list of documents, and no index in the present volume, but an unusually full and precise index, containing "all the information generally given in foot-notes", is promised.

All the maps and illustrations for the whole work are placed in this, "the first and handiest volume". The maps are eight in number, viz: reproductions of D. W. Smith's "Map of Upper Canada" and "Sketches" of the battles of Chrysler's Farm and Châteauguay, originally published by W. Faden; a map of the Detroit frontier, source not stated; Nesfield's "Map of the Niagara Peninsula" and a "Sketch" of the "Action at Lundy's Lane", from originals in the Dominion Archives, both of which have appeared in recent publications; and, finally, a "Map of the Niagara Frontier" and a "Plan of the Siege of Plattsburg" from American sources. These maps and plans are well executed, and the entire mechanical production of the book could hardly be improved upon.

E. A. CRUIKSHANK

*David Thompson's Journeys in Idaho.* By T. C. ELLIOTT. (Washington Historical Quarterly, vol. xi, pp. 97-103, 163-173).

THE first of these articles reproduces the entries in Thompson's journal relating to the selection of the location and the building in September, 1809, of Kullyspell House, the first trading post west of the Rocky Mountains south of 49°. This fort, which was on the north side of

Pend d'Oreille Lake, existed for about two years; it was abandoned late in the autumn of 1811. By the aid of the journal and the personal examination of the locality, Mr. Elliott has been able to identify the exact site of this short-lived fort.

The second article consists of a series of excerpts from Thompson's journal covering his travels in the vicinity of Kullyspell House in October and November, 1809, April and May, 1810, June, 1811, and finally in March, 1812, when he visited the site of "the old house" for the last time, on the eve of his departure from the region that has made his name famous. It is impossible to overestimate the value of the concise and accurate notes that Mr. Elliott has appended to all these extracts. These notes do nothing less than make Thompson's dry-looking records real and living entities for the historical student of to-day.

F. W. HOWAY

*Journal of a trip from Fort Colvile to Fort Vancouver and return in 1828,*  
by John Work. Edited by W. S. LEWIS and J. A. MEYERS. (Washington Historical Quarterly, vol. xi, pp. 104-114.)

THIS journal covers a portion of the Columbia River that has been described repeatedly by the early explorers and travellers. By 1828 it had become well known as a part of the regular fur trade route. It is therefore of little interest, save in so far as it enables the local student to fill in the movements of the persons mentioned. The New Caledonia brigade, in charge of William Connolly, is met at Fort Okanagan (the usual junction point), accompanies the party to Fort Vancouver, and returns with it. The annotations will be found very useful even by those who are familiar with the period, for Work has a most disconcerting disregard for the accepted forms of proper names. The journal records the interesting fact of the shipment of three young pigs from Colvile to New Caledonia, one of the first steps towards the introduction of farming in the interior of British Columbia. It enables us also to correct one of the dates given in McDonald's Journal, which was edited by Malcolm McLeod under the title *Peace River, A Canoe Voyage from Hudson's Bay to Pacific*. On page 25 of that work it is stated that Connolly left the Pacific on June 23, and on this basis Mr. McLeod builds an extensive note. The proper date was July 23. Connolly left Fort Vancouver July 23, and Fort Okanagan about August 11, and arrived at Fort St. James on September 17. The distance, according to McLeod, was about fifteen hundred miles!

F. W. HOWAY

*The Nisqually Journal.* Edited by VICTOR J. FARRAR. (Washington Historical Quarterly, vol. 10, pp. 205-230; vol. 11, pp. 59-65, 135-149, 218-229).

THE publication of *The Nisqually Journal*, which was resumed in volume ten of the Washington Historical Quarterly, still continues. These instalments give the "round, unvarnished tale" of the daily life at Fort Nisqually from March 10, 1849, to June 30, 1850. The annotations by Mr. Farrar are full and exact; they bear witness to careful research in the by-ways of history. Though the journals now appearing relate to a period subsequent to the settlement of the Oregon dispute, they contain much valuable information concerning the movements of well-known people, the activities along the coast, and the ramifications of the business of the Hudson's Bay Company. Frequent references, for example, occur which show how far-reaching were the effects of the California gold excitement, then at its height. The hope is expressed that the policy of publishing these sources may be continued until the complete record has been issued. It is impossible to exaggerate the value of such publications (a value increasing geometrically with the passing years) to every one who desires to obtain a complete and correct view of the fur-traders' life in the West.

F. W. HOWAY

"*The Natural Resources Question*": *The Historical Basis of Provincial Claims.* By CHESTER MARTIN. Winnipeg: The King's Printer for the Province of Manitoba. 1920. Pp. 148.

PROFESSOR CHESTER MARTIN has by this work increased the debt of gratitude Canadians owe him for his *Life of Lord Selkirk*. Whatever the moving cause and whatever the effect, the work itself is a model of clear statement and judicious arrangement of historical facts of great moment and interest. The proposition sought to be established is that the Province of Manitoba should have the administration and have final ownership of "Natural Resources" within its boundaries.

Most people will probably agree that this is a political question to be determined on principles of expediency rather than on supposed constitutional principles or historical considerations; at all events nothing will be said here upon the merits of the controversy.

After an excellent explanatory Introduction, we find a chapter on "British Principles with Regard to the Public Domain". This, in substance, while stating facts accurately, is an argument that the full control of public lands is a necessary implication from responsible government. No doubt Lord Durham was perfectly right when he said in his *Report*: "In the North American Colonies . . . the function of authority most

full of good or evil consequences has been the disposal of the public land." And no doubt the course of events in Upper Canada was that practically full control of the land accompanied or speedily followed responsible government. If the relation of Manitoba to the Dominion be wholly analogous to that of Upper Canada to the Mother Country, Professor Martin has established his proposition that Manitoba has not received the same treatment as Upper Canada.

The next chapter forms the most valuable part of the book, containing as it does an account, accurate but all too brief, of the "purchase" by Canada of the vast western territory. The facts of this "purchase" are almost unknown to most Canadians. It would lay us more in Professor Martin's debt if he would expand these chapters into many times their present extent, and give a detailed account of some matters which he but touches upon, with more extended quotation from documents. Perhaps the suggestion may be ventured that more attention might be given to the fact and less to the form: camouflage is not a stranger even in statutes, and in our system "the letter killeth".

The chapter on British Columbia is, *me judice*, not of equal value. The historical facts are correctly stated, but a fair analogy can hardly be said to exist between the case of an established province joining the Dominion and that of a new province created by the Dominion. The same remarks apply *mutatis mutandis* to the chapter on Prince Edward Island.

The pressing needs of Manitoba receive adequate treatment in chapter vii. A good case is made out for better terms. The "humiliation" of "the finality clause of 1885" seems to an outsider to be somewhat exaggerated; at all events, we have never met a Manitoban who appeared humiliated.

Probably the chapter on "American Precedents for a British Province" is not considered by the author as a serious argument. Notwithstanding the fact that the United States may have pursued a particular course in respect of public lands, it does not necessarily follow that Canada should follow the same course.

The difficulties of the whole question appear in the final chapter, "Province or Colony?" No one, indeed, calls Manitoba a "Colony" except those who insist that she is not a Colony: but overlooking the terminology, the contrast between Manitoba as she is and Manitoba as she would wish to be is cogently put, though there is no blinking of the facts. The question is one which must necessarily come up again and again, and the provincial champion will find here a magazine of effective weapons which can be fairly used.

As was to be expected, the work is well written, the language is apt

and well chosen, the arrangement (for the purpose) is logical, and the patriotic fervour which leads the author to state the facts in the manner most favourable to his province and her claims, never leads him to misstate or to cloak the facts. The proof reading is admirable (only one mistake has met the eye), and the press work a credit to the King's Printer at Winnipeg.

The work may not make many converts—in the nature of things it cannot—but it will command respect for its accuracy and fairness. It is a valuable contribution to the history of Canada, and it would be ungracious to complain that in some respects it might well be more exhaustive.

WILLIAM RENWICK RIDDELL

*A Study in Canadian Immigration.* By W. G. SMITH. Toronto: The Ryerson Press. 1920. Pp. 406.

MR. SMITH has performed a gallant deed; he has written the pioneer book on the subject of Canadian immigration, if we except Mr. Woods-worth's *Strangers Within Our Gates*, which could hardly be called a treatise on immigration as much as a description of certain phases of it in Western Canada. It is unfortunate that we have to make the admission that no adequate treatment of this most vital subject has yet appeared in Canada. It is one of those things which remain to be done, and every year makes the necessity more urgent. The appearance, therefore, of Mr. Smith's study is a hopeful sign, and we may acclaim the pioneer in authorship in this most difficult subject. But pioneers travel an uncharted land, and many difficulties and trials await them in order that others may follow after by the bones upon the way. We may, therefore, say frankly that Mr. Smith has not escaped some pitfalls nor avoided some errors. It would be an unkind and unwelcome task to point these out in detail, but they nearly all arise from his handling of statistical material. One instance of this will suffice. On page 60 the author calculates that during the period 1901 to 1909 the number of immigrants totalled 1,244,597, and concludes that the increase of population through immigration was 23.2 per cent. This is an absolutely unwarrantable conclusion, since it overlooks entirely the emigration during the same period, which amounts to as much as 50 per cent of the total immigration of the nationalities enumerated in the immigration returns. It is certainly unfortunate that the author had not noticed this point, as mentioned on page 54 of the Report of the Ontario Commission on Unemployment. This mistake of assuming that every immigrant becomes a permanent citizen of the Dominion falsifies the author's conclusions in more than one place. The treatment in Chapter 13 of immigration and

crime is not very satisfactory, and reveals the old error of classing all misdemeanours, however trivial, which have led to conviction and calling them "crime". Table 52 on page 287 is, therefore, most misleading, not to mention the obvious error with regard to crime in the Yukon, which leaves the reader quite uncertain as to the significance of the figures. It would be easy to continue in the same strain pointing out inaccuracies, as for instance the most tremendous confusion into which the percentages in table 30 (p. 139) have involved themselves and the reader as well. But such would be an ungrateful task and far from the inclination of a candid reviewer. Mr. Smith has performed a service in writing this book for which we must be grateful, and has marked the way for succeeding investigators. Let his be the honour accorded to the pioneer.

H. MICHELL

*Wild Life in Canada.* By Captain ANGUS BUCHANAN, M.C. Toronto: McClelland, Goodchild and Stewart. 1920. Pp. xx, 264; illustrations.

CAPTAIN ANGUS BUCHANAN is a naturalist. His expedition in the summer of 1914 into the wild northern part of the province of Saskatchewan was for the purpose of collecting specimens of the birds that are to be found there for the provincial museum at Regina. Unfortunately, his intention to pass the winter in the neighbourhood of Fort Du Brochet at the north end of Reindeer Lake was frustrated by the outbreak of war, news of which reached him at the end of October, and determined him to return to civilization with all possible speed, to offer his services to his country. The book which he now publishes is a belated account of his travels and of his observations on the natural history of the country, and yet it contains the latest information on the subject, because no traveller since 1914 has passed that way, or at least made any report of his passage. Of exploration, strictly speaking, Captain Buchanan's narrative contains nothing, for the waterways he traversed have long been known. The valuable portions of the book are his observations on the habits and migrations of the caribou and the chapters descriptive of the animals seen and the birds of which he collected specimens. To this one must add his very interesting and sympathetic account of his Indian companions and their sledge-dogs.

H. H. LANGTON

*Recollections of a Police Magistrate.* By Col. GEORGE T. DENISON. Toronto: The Musson Book Company. 1920. Pp. 263.

FOR many reasons one rejoices that Col. George T. Denison has written these *Recollections of a Police Magistrate*. The man himself is revealed

as clearly in this book as in *The Struggle for Imperial Unity*, which he published some years ago. Col. Denison has never been a social courtier nor a political partisan. From boyhood he has been an imperialist, but in his imperialism there has always been a dominant flavour of Canadian nationalism. One remembers when his teaching, which is now the common faith of Canada, was treated with derision, and his outlook for the Empire regarded as the dream of an intemperate enthusiast. Now many proclaim his gospel who probably would not admit that they are his disciples.

It is true that imperial federation as the vision was seen by Col. Denison and his associates of long ago has not been realized, nor have we a defensive tariff round the Empire such as he advocated. But the spirit of his teaching prevails all over the British Dominions, and who may say that in the long future there may not be an organization of the Empire as definite as he has foreshadowed? Moreover, Col. Denison has always been chiefly concerned to develop imperial feeling and to encourage coöperation between the Dominions and the Mother Country. He has never insisted that the machinery must be of some absolute pattern. Nor has he ever believed that all the "loyalty" of Empire was the possession of any particular leader or any particular party.

There has been something aggressive in his political independence. So in his courage there has been a touch of audacity. He can see all the humour of a cartoon over which it was probably expected he would writhe and grow angry. He can enjoy an attack, and meet his opponent face to face with an impish raillery and a suggestion of pity which is often more penetrating and disturbing than denunciation or abuse. As this book discloses, he sees the faults and frailties of his kind with humorous toleration, save when toleration would give sanction to meanness or injustice. No man could have a keener sense of equity. He has been almost uncanny in his instant recognition of cant and humbug. Over and over again his decisions have been protested. But very rarely has investigation failed to justify his judgment and illustrate his remarkable insight and intuitive sagacity.

Col. Denison has often said, with that delightful suggestion of infallibility which exasperates critics, that his court is the seat of justice, not a theatre for the contentions of lawyers; and the fact that there is so much truth in the statement often sharpens the exasperation. But it would be absurd to think that he has any actual contempt for law or lawyers. He is smiling within himself when he says the things which provoke and he smiles all the more happily when what was meant for a pleasant gibe is treated as a grave indiscretion. No man ever had more of the love of associates, and successive officers of the Crown have had

his unfailing sympathy in the discharge of their duties. He has never been eager to convict. Nor as a magistrate has he maintained the attitude of suspicion. If he has been stern in dealing with wrong-doers, he has been alert to protect those who had no aptness for self-defence, and tender towards the helpless and unfortunate remnant who have lost hope and courage and the taste for decent living.

It must be said, too, that Col. Denison assumes to speak with authority only on subjects that he understands. He never pretends to have knowledge which he does not possess, and is never afraid to confess ignorance of questions which he has not had the time or the inclination to investigate. It may not be easy for him to suffer fools gladly, but a man has to prove himself a fool before he puts him where he belongs. He is not intolerant of differences of opinion, but has no mercy for the artifices of political shufflers and the insincerities and futilities of partisan wrangling. It would be an offence to suggest that he was ever open to any doubtful appeal. No man ever guarded his integrity with more sleepless vigilance, or ever showed more resolute independence or less concern for his office on the few occasions when he was subjected to threat and attack.

This book reveals Col. Denison's hearty relish for a good story, his delight in human foibles and pretences, his instant appreciation of absurdities and eccentricities, and his quick ear for a word that should not die. If only a man old in years could have had his experiences, only a man young in heart and spirit could have told a story with so much zest, so much freshness, and so much eager enjoyment of the incidents which he describes and perhaps embellishes. It is a great thing at eighty years of age to have such serenity of mind and an optimism which youth might covet. Toronto has had no finer citizen and Canada no truer patriot than Col. Denison. He has lived to see many of his dreams realized, and to see great harvests reaped from seeds of his sowing. By all of us he is honoured, and by many of us beloved.

The night is late; your fire is whitening fast,  
Our speech has silent spaces, and is low,  
Yet there is much to say before I go  
And much is left unsaid, dear friend, at last.

Yet something may be said. This fading fire  
Was never cold for me; and never cold  
Has been the welcoming glance I knew of old,  
Warm with a friendship usage could not tire.

J. S. WILLISON

*Canada in the Great World War.* By various authorities. Vol. V: *The Triumph of the Allies.* Toronto: United Publishers of Canada. 1920. Pp. viii, 410.

THE fifth volume of this popular history covers the period of operations from the return of the Canadians to the Vimy area after Passchendaele to the evacuation of the Canadian contingent in the army of occupation in February, 1919, and includes appendices on the war in the air, the forestry, railway, veterinary and dental corps, as well as a short and valuable note on the war record of the Royal Military College, Kingston. The interest of the book naturally centres on the operations in the field, and it may therefore be regarded primarily as a collaboration between Mr. Walter Willison and Mr. Roland Hill, two of the most consistent contributors to the earlier volumes and both war correspondents of proved experience and merit.

Mr. Willison's contribution is the slighter. He takes up the story at the return of the Canadians to winter quarters in 1917, and hands it over to Mr. Hill with the beginning of the Hundred Days. Much of his subject matter, therefore, is unspectacular beside the breathless narrative of open warfare that Mr. Hill has to tell. But he has done well to describe in the opening chapters the efforts of the divisional entertainment companies, the experiment of the University of Vimy, and the atmosphere surrounding a general election in the trenches. The bulk of his share of the narrative deals with the holding of Vimy Ridge by the Canadians during the critical German offensive of the spring of 1918, and in reading it one is struck more and more by the wonderful fruits that accrued to the allied armies from the brilliant exploit of the previous year which had secured this outpost from the Germans for a purpose other than that to which it was now put. General Currie's task was a big one. He was holding one-fifth of the entire British front, but the skill of his dispositions and the long experience that the Canadians had now had in active defence methods made Vimy impregnable, and although its fall must, humanly speaking, have turned the whole tide of the battle, even Ludendorff apparently never contemplated taking it by frontal attack, and the flanking protection was always storm-proof.

Mr. Hill's task in attempting to describe the final offensive was severe. He is frankly a war correspondent, repeating the experiment of other war correspondents, with the one advantage of being a little further away from the excitement of it all and in having had a little more time to digest records. None the less, the records that he can consult are necessarily comparatively few. He quotes frequently, and very wisely, from General Currie's reports; but the detailed histories of units are not yet available. And so the book is written from Headquarters,

where batteries and battalions must always be pawns. A glance at the index shows that the individual infantry battalions, for instance, are hardly mentioned more than once or twice in the book. One unit, the documentary history of which is at present filling an ever increasing number of shelves in the reviewer's library, took part in every action, and is mentioned once only for an individual exploit. This is not by way of criticism, but merely to suggest that the completion of this memorial history is the last word only in so far as it closes the most valuable contribution of the war correspondents to the literature of the Canadian Corps.

The progress from Amiens to Mons is admirably narrated. The reader is never lost for more than a page or two at a time in the complications of rapid moves and brigade exploits, and this is saying a great deal for an account of an open battle of this magnitude. It is a thrilling tale of successes of ever cumulating effect, very glorious but very grim. The captures of men and material, the defeat of division after division of Germans, were achieved at a sad price—there were 42,000 Canadian casualties in 65 days. These figures suggest what is perhaps the most extraordinary part of the tale, the strength of reserve that made it possible to use the Canadians as a "spearhead" almost without a pause through the advance. Consequently one is inclined to demur from Mr. Hill's strictures of the "military-political intrigue which prevented the Canadians from having five or six divisions at the Front". It was the compactness of the Canadian Corps that made it so mobile, and it was the fact that its 11,000 casualties in the battle of Amiens could be made good on the spot that made it possible for it to lead the attack on the Drocourt line. If one may suggest general criticism of a story that can be hardly too highly praised for its lucidity and restraint, it will be the old objection to the drawing of comparisons, however mild and inoffensive, between the Canadians and their British, Australian, and French comrades in arms. Mr. Hill is fond of quoting, as a Canadian motto, "One for all and all for one". He does not always give it as wide an application as men in the field would have wished.

Mr. Macpherson's chapter on the advance into Germany is an anti-climax. He never succeeds in forgetting that he is an eye-witness, and consequently never rises to the level of the historian.

The appearance and production of this volume, like its predecessors, is unimpeachable, except in the oft-mentioned matter of maps. There are forty illustrations, almost all of purely ephemeral interest, and only four maps to illustrate battle operations. Even these are of comparatively little value, as the publishers have not realized that a map which illustrates letter-press covering forty or fifty pages must not only be so

inserted as to lie clear of the volume when open but must also, for obvious reasons, be placed at the end, and not at the beginning, of the pages that it serves to elucidate.

R. HODDER WILLIAMS

"*The Times*" Book of Canada. London: The Times, Printing House Square. 1920. Pp. iv, 292.

This little book is, in effect, a sketch of Canadian history since Confederation—a sketch constructed not along traditional lines, but on the sounder plan of breaking history up into separate strands or phases. An admirable chapter deals with political and constitutional development; another traces the growth of agriculture; another industrial development; another railway expansion; and so forth. The breadth of treatment may be seen from the fact that there is a chapter on "Economics and Finance", one on "Progress in Education", and one on "Journalism and Literature". None of these chapters are, in the nature of the case, very profound or very exhaustive. Many of them have a distinctly journalistic character. Yet they are, on the whole, unusually accurate and well-informed. Though the title-page does not divulge the name of the author or authors, one may hazard the guess that at least parts of the book have been written by a Canadian journalist thoroughly familiar with the history of Canada since 1867.

There are signs that the book was prepared for the press in haste. Some important aspects of Canadian life receive very cursory notice. Little is said, for instance, about French Canada. The chapter on Canadian journalism and literature could hardly fail to give the uninformed reader the impression that French Canada was intellectually dormant. The names of a few French-Canadian writers are mentioned, but they are only those that are most familiar to English-Canadian readers; and the only French-Canadian journal that is mentioned is *Le Canada Français*—a journal which, excellent though it is, is no more worthy of attention than several other French-Canadian periodicals, such as the *Revue Canadienne* and the *Revue Trimestrielle Canadienne*. The truth is that French-Canadian journalism and literature compare very favourably with English-Canadian; and it is most regrettable that in the book under review they, as well as other aspects of French-Canadian life, should be almost wholly ignored.

Other defects might be pointed out. The statement (p. 266) that "Sir Wilfred (*sic*) Laurier was a newspaper editor in early manhood in Arthabaskerville (*sic*)" is an example of the slipshodness that is far too prevalent in some parts of the book. But, despite these defects, it must be said that the book is, on the whole, a most interesting and useful

account of Canadian development. Though written primarily, one would gather, for non-Canadian readers, there are few native Canadians who would not derive a quite unusual amount of pleasure and profit from a perusal of it.

*A Cyclopedic of Canadian Biography: Brief Biographies of Persons Distinguished in the Professional, Military, and Political Life, and the Commerce and Industry of Canada, in the Twentieth Century.* Edited by Hector Charlesworth. (National Biographical Series III.) Toronto: The Hunter-Rose Company. 1919. Pp. xii, 302.

A GENERATION ago there were issued by the Hunter-Rose Company, in 1886 and 1888, two editions of a *Cyclopedic of Canadian Biography*, of which this is, in a sense, a third edition. The present volume, however, is, in another sense, quite a distinct work, since it is confined to the twentieth century, and few of the persons whose biographies are recorded in it find mention in the earlier volumes. The value of biographical dictionaries, as works of reference, can easily be underestimated, owing to the somewhat sordid character of some biographical dictionaries in the past; and it should be said at once that Mr. Charlesworth's *Cyclopedic* will be found of distinct value and usefulness by those who have occasion to look up the biographical details about men who are in the public eye. There are in the volume over six hundred biographical sketches. At the same time, one could wish that the scope of the volume had been broader and more inclusive. There are many figures in Canadian public life, men of a national or even of an international reputation, whom Mr. Charlesworth has entirely ignored. Perhaps one may be forgiven for suggesting that, had the biographies included in the volume been somewhat abbreviated, had they been reduced to the tabular form seen, for example, in *Who's Who*, room might have been found for the inclusion of biographical sketches of a considerable number of Canadians whose names are no less well known—are in fact better known—than the majority of those to whom space has been given.

Some of the biographical notices are couched in an unnecessarily fulsome strain; and one fails to discover the principle which has guided the editor in his selection of the subjects of the excellent full-page photogravure portraits which are scattered through the volume. As a national portrait gallery the selection is hardly a success. However, for what Mr. Charlesworth has given us, we must acknowledge ourselves duly grateful; and we can only express the hope that when the next issue of the *Cyclopedic* is being prepared, the editor will shake himself completely free from the precedents of 1886.

## RECENT PUBLICATIONS RELATING TO CANADA

(*Notice in this section does not preclude a subsequent more extended notice.*)

### I. THE RELATIONS OF CANADA TO THE EMPIRE

EMPIRE PARLIAMENTARY ASSOCIATION. *Journal of the Parliaments of the Empire*. Vol. i, nos. 1, 2, 3 (January-July, 1920). London: Westminster Hall, Houses of Parliament. Pp. 594.

A valuable new journal which supplies a quarterly digest of the debates and legislation of the parliaments of the United Kingdom, Canada, Australia, New Zealand, South Africa, and Newfoundland.

HALL, H. DUNCAN. *The Government of the British Commonwealth* (United Empire, September, 1920, pp. 481-489).

A discussion of the problems of the government of the British Empire by an Australian author, who emphasizes the Dominion point of view.

— *The Imperial Crown and the Foreign Relations of the Dominions* (Journal of Comparative Legislation and International Law, third series, vol. ii, part iii, pp. 196-205).

A discussion of the new status of the self-governing Dominions in regard to foreign relations.

KEITH, A. BERRIEDALE. *Notes on Points of Imperial Constitutional Law* (Journal of Comparative Legislation and International Law, third series, vol. ii, part iii, pp. 328-332).

The notes deal with (1) Extra-territorial Legislation; (2) Effect of Dominion Naturalization; (3) Constituent Powers of State Parliaments; and (4) Appeals.

KNIBBS, G. H. *The Organization of Imperial Statistics* (Journal of the Royal Statistical Society, March, 1920, pp. 201-224).

A paper advocating the formation of an imperial statistical bureau.

METEOROLOGICAL OFFICE (AIR MINISTRY). *Climatic Conditions on the Imperial Air Routes* (Geographical Journal, August, 1920, pp. 128-136).

Contains a description and climatic chart of the aerial route from London to Vancouver.

SANDON, the Viscount. *The Problem of the British Empire* (The Nineteenth Century and After, October, 1920, pp. 553-568).

A concrete and revolutionary proposal for the creation of an imperial executive or cabinet, based on the principle of the equality of Great Britain and the overseas Dominions.

SCHUYLER, ROBERT L. *The Recall of the Legions: a Phase of the Decentralization of the British Empire* (American Historical Review, October, 1920, pp. 18-36).

A study of the process whereby Great Britain has handed over the burden of local defense to the self-governing Dominions of the Empire.

WILLISON, SIR JOHN. *Imperial Press Conference and Congress of Chambers of Commerce of the British Empire* (Journal of the Canadian Banker's Association, October, 1920, pp. 21-25)

A brief discussion of the significance of two imperial gatherings which took place in Canada in the summer of 1920.

## II. THE HISTORY OF CANADA

### (1) General History

ALMAGIA, ROBERTO. *Nuovi studi sui viaggi dei Normanni nell' Atlantico settentrionale e in America* (Revista Geografica Italiana, vol. 24, 1917, no. 5, pp. 200-205).

A survey of recent researches in the field of the Norse voyages to America.

BARNARD, H. CLIVE (ed.). *The Expansion of the Anglo-Saxon Nations: A Short History of the British Empire and the United States*. By several contributors. London: A. & C. Black. 1920. Pp. viii, 404.

A section of sixty-six pages, by Mr. A. G. Dorland, traces succinctly the history of British North America since 1713. For the convenience of the student there are paragraph headings in black-headed type.

GARNEAU, FRANÇOIS-XAVIER. *Histoire du Canada*. Cinquième édition, revue, annotée et publiée, avec une introduction et des appendices, par son petit-fils, HECTOR GARNEAU. Tome II. Paris: Librairie Félix Alcan. 1920. Pp. xii, 748.

To be reviewed later.

KOLISCHER, KARL ARTHUR. *Zur Entdeckungsgeschichte Amerikas: Die Normannen in Amerika vor Columbus* (Mitteilungen der K. K. Geographischen Gesellschaft, Wien, Band 57, 1914, pp. 239-249).

A critical study of the Norse voyages to America.

RIDDELL, the Hon. WILLIAM RENWICK. *The Slave in Canada*. (Reprinted from The Journal of Negro History, vol. v, no. 3, July, 1920.) Washington, D.C.: The Association for the Study of Negro Life and History. 1920. Pp. v, 120.

Reviewed on page 402.

SCHOOLING, Sir WILLIAM. *The Hudson's Bay Company, 1670-1920*. London: Hudson's Bay House. 1920. Pp. xvi, 129; maps and illustrations.

A volume published by the Hudson's Bay Company to commemorate the 250th anniversary of the grant of its charter.

### (2) The History of New France

DUCHESNEAU, JACQUES. *Lettre de l'intendant Duchesneau au marquis de Seignelay, fils de Colbert (13 November, 1681)*. (Bulletin des Recherches Historiques, vol. xxvi, no. 9, pp. 275-286).

An interesting and important letter extracted from the provincial archives at Quebec.

GOSSELIN, Mgr DAVID. *Le chanoine Jean-Baptiste Gosselin* (Bulletin des Recherches Historiques, vol. xxvi, no. 7, pp. 212-219).

A biographical and genealogical sketch of a French priest who died in Canada in 1749.

HAMILTON, LOUIS. *Ursprung der französischen Bevölkerung Canadas: Ein Beitrag zur Siedlungsgeschichte Nord-Amerikas*. Berlin: Neufeld & Henius. 1920. Pp. 88.

Reviewed on page 392.

HARRIS, Very Rev. W. R. *The Cross-Bearers of the Saguenay*. Toronto: J. M. Dent & Sons. 1920. Pp. 208; maps and illustrations.

To be reviewed later.

KENNY, LAURENCE A. *The Jesuit in the Mississippi Valley* (Mississippi Valley Historical Review, July, 1920, pp. 135-143).

A popular sketch.

MASSICOTTE, E.-Z. (ed.). *Dollard des Ormeaux et ses compagnons: Notes et documents*. Avec une introduction par AEGIDIUS FAUTEUX. Montréal: Le Comité du Monument Dollard des Ormeaux. 1920. Pp. 93.

Reviewed on page 394.

ROY, P.-G. *Edmond de Suèze, Seigneur en partie de Ste. Anne de la Pérade* (Bulletin des Recherches Historiques, vol. xxvi, no. 8, pp. 248-250).

Details concerning the life of one of the officers of the Carignan regiment who settled in Canada.

— — — *Les familles de nos gouverneurs français* (Bulletin des recherches historiques, vol. xxvi, no. 9, pp. 257-274).

An account of the families of the governors of New France, from Champlain to Vaudreuil, with especial reference to those families which came out to Canada.

ROY, RÉGIS. *Le Duc d'Anville* (Bulletin des Recherches Historiques, vol. xxvi, no. 8, p. 255).

A brief note correcting some current errors regarding the identity of the Duc d'Anville who commanded the expedition sent by the French government to recapture Louisbourg in 1746.

SCOTT, l'abbé H.-A. *Grands anniversaires: Souvenirs historiques et pensées utiles*. Québec: L'Action Sociale. 1919. Pp. xiv, 304.

Reviewed on page 395.

SULTE, BENJAMIN. *Au Lac Winnipeg, 1734* (Bulletin de la Société de Géographie de Québec, vol. xiv, no. 3, pp. 140-142).

A brief chapter in the history of Western exploration.

### (3) The History of British North America to 1867

[BOURLAMAQUE, M. DE.] *Un mémoire de M. de Bourlamaque sur le Canada* (Bulletin des Recherches Historiques, vol. xxvi, no. 7, pp. 193-209; no. 8, pp. 225-240).

A hitherto unpublished *mémoire*, reproduced from a copy in the provincial archives at Quebec, which Bourlamaque, one of Montcalm's principal lieutenants, addressed in 1762 to the French minister of the marine.

DIFFENDERFFER, FRANK R. *The Loyalists in the Revolution*. (Papers Read before the Lancaster County Historical Society, vol. xxiii, no. 7, pp. 113-125; no. 9, pp. 155-166.) Lancaster, Pa. 1919.

Reviewed on page 403.

GROULX, l'abbé LIONEL. *Lendemains de Conquête: Cours d'histoire du Canada à l'Université de Montréal, 1919-1920*. Montréal: Bibliothèque de l'Action Française. 1920. Pp. 235.

Reviewed on page 396.

MASSICOTTE, E.-Z. *L'Invasion américaine chantée* (Bulletin des Recherches Historiques vol. xxvi, no. 8, pp. 241-242).

A French-Canadian chanson dealing with the American invasion of Canada, in 1775.

ROY, P.-G. *Le général Moreau et la guerre de 1812* (Bulletin des Recherches Historiques, vol. xxvi, no. 8, pp. 245-247).

An examination of the truth of the rumour, current in Canada in 1812, that the command of the American army of invasion was to be offered to General Moreau, one of Napoleon's former lieutenants, who was at that time living in the United States.

SIEBERT, WILBUR H. *The Loyalists of Pennsylvania* (The Ohio State University Bulletin vol. xxiv no. 23, April, 1920: Contributions in History and Political Science, no. 5.) Columbus: The Ohio State University. 1920. Pp. 117.

Reviewed on page 403.

WOOD, WILLIAM (ed.). *Select British Documents of the Canadian War of 1812*. In three volumes. Vol. I. Toronto: The Champlain Society. 1920. Pp. xv, 678.

Reviewed on page 408.

#### (4) The Dominion of Canada

CHARLESWORTH, HECTOR (ed.). *A Cyclopedia of Canadian Biography: Brief Biographies of Persons Distinguished in the Professional, Military, and Political Life of Canada, in the Twentieth Century*. Toronto: The Hunter-Rose Company. 1919. Pp. xii, 303.

Reviewed on page 422.

CHICANOR, E. L. *The Passing of the Scarlet Riders* (United Empire, August, 1920, pp. 415-418).

A tribute to the work of the Royal North-West Mounted Police, now merged in the Canadian Mounted Police.

DENISON, Colonel GEORGE T. *Recollections of a Police Magistrate*. Toronto: The Musson Book Co. 1920. Pp. 263.

Reviewed on page 416.

HOPKINS, J. CASTELL. *The Canadian Annual Review of Public Affairs, 1919*. Toronto: The Canadian Annual Review, Limited. 1920. Pp. 906.

The nineteenth annual volume of this well-known and invaluable review. The history of the year 1919 is dealt with under the following headings: (1) Canadian Echoes of the World War; (2) Canadian Relations with Foreign Countries; (3) Canadian Relations with the Empire; (4) The Prince of Wales in Canada; (5) Agriculture and the Organized Farmers; (6) Industry and the Organized Manufacturers; (7) Labour and the Organized Workmen; (8) Education; (9) Dominion Government and Politics; (10) Provincial Government and Politics.

LONGLEY, the Hon. J. W. *Reminiscences, Political and Otherwise* (Canadian Magazine, October, 1920, pp. 443-450).

The beginning of a series of reminiscences dealing, to a large extent, with political history in the Maritime Provinces.

THE TIMES BOOK OF CANADA. With Map and Index. London, England: The Times, Printing House Square. 1920. Pp. iv, 292.

Reviewed on page 421.

#### (5) The Great War

NORRIS, Lieut. ARMIN, M.C. "Mainly for Mother." Toronto: The Ryerson Press. [1920.] Pp. 219.

The letters written to his family by a subaltern of the Canadian Machine Gun Corps who was killed in action on September 28, 1918. The letters cover the greater part of the years 1915-1918.

WILLISON, W. A., and others. *Canada in the Great World War: An Authentic Account of the Military History of Canada from the Earliest Days to the Close of the War of the Nations*. Vol. V: *The Triumph of the Allies*. Toronto: United Publishers of Canada. [1920.] Pp. viii, 410.

Reviewed on page 419.

### III. PROVINCIAL AND LOCAL HISTORY

#### (1) The Maritime Provinces

DEPARTMENT OF THE INTERIOR. *The Natural Resources of Nova Scotia*. Ottawa: The King's Printer. 1920. Pp. 71.

A booklet "compiled for the use of settlers and investors from material supplied mainly by federal and provincial services."

IRVIN, JOHN. *History of Bridgetown* (Collections of the Nova Scotia Historical Society, vol. xix, pp. 31-51).

"A brief historical sketch of the town of Bridgetown, Nova Scotia, illustrating the changes which have taken place in the manners, customs, and habits of the rural population of Nova Scotia during the last century; with a sketch of Lieut.-Colonel James Poyntz, a Peninsular War veteran."

PAYNE, ABRAHAM MARTIN. *The Life of Sir Samuel Cunard* (Collections of the Nova Scotia Historical Society, vol. xix, pp. 75-91).

A biographical sketch of the founder of the Cunard Steamship Line.

POLLOK, the Rev. ALLAN. *Recollections of Sixty Years Ago* (Collections of the Nova Scotia Historical Society, vol. xix, pp. 17-30).

Reminiscences of Halifax and Nova Scotia in the fifties and sixties of last century, by a Scottish clergymen who came to Nova Scotia in 1853.

POWER, the Hon. LAWRENCE G. *Our First President, The Honorable John William Ritchie, 1808-1890* (Collections of the Nova Scotia Historical Society, vol. xix, pp. 1-15).

A biographical sketch of the first president of the Nova Scotia Historical Society.

REGAN, JOHN W. *The Inception of the Associated Press* (Collections of the Nova Scotia Historical Society, vol. xix, pp. 93-114).

An account of the "Pony Express" that in 1849 forwarded European news from Halifax to Digby, Nova Scotia, and thence to St. John, New Brunswick, where it was telegraphed to New York.

ROBITAILLE, J.-ÉDOUARD. *L'agriculture en Acadie* (Le Canada Français, vol. v, no. 1, pp. 23-27).

A brief sketch of agriculture in Nova Scotia.

SMITH, WILLIAM. *The Early Post Office in Nova Scotia, 1755-1867* (Collections of the Nova Scotia Historical Society, vol. xix, pp. 53-73).

A paper by the secretary of the Public Archives of Canada, who was formerly archivist of the Post Office of Canada.

#### (2) The Province of Quebec

AUCLAIR, l'abbé ELIE-J. *Sir Adolphe Routhier* (Revue Canadienne, vol. xxv, nos. 8-9, pp. 481-483).

A brief obituary notice.

MASSICOTTE, E.-Z. *L'Honorable Toussaint Pothier* (Bulletin des Recherches Historiques, vol. xxvi, no. 7, pp.

A brief biographical sketch.

PELLAND, Léo. *Notre Droit Civil* (Le Canada Français, vol. v, no. 1, pp. 5-22).  
First part of an historical sketch of the civil law of the province of Quebec.

(3) **The Province of Ontario**

KIRKCONNELL, WATSON. *Fort Henry, 1812-1914* (Queen's Quarterly, July, August, September, 1920, pp. 78-88).

An interesting account of the history of the military fort which stands guard over the harbour of Kingston, Ontario.

NIAGARA HISTORICAL SOCIETY. *Notes on Niagara, 1759-1860*. (No. 32.) Niagara, Ont. [1920.] Pp. 73.

A series of interesting extracts, mostly from old newspapers, dealing with the history of the Niagara peninsula during the latter half of the eighteenth and the first half of the nineteenth centuries.

PUTNAM, J. H. *City Government, Ottawa*. Ottawa: James Hope & Sons. 1919. Pp. 74.

An admirable little book, which aims at giving the teachers and the more advanced pupils in the Ottawa Schools a detailed knowledge of the working of municipal institutions in Ottawa.

RIDDELL, the Hon. WILLIAM RENWICK. *A Criminal Circuit in Upper Canada a Century Ago*. (The Canadian Law Times, September, 1820, pp. 711-727).

A paper, copiously annotated, and based on research in the Canadian archives, describing the chief cases that came up before Chief Justice Powell, when he took the Eastern Circuit in Upper Canada in the autumn of 1820.

— — — *Mr. Justice Thorpe, the Leader of the First Opposition in Upper Canada* (Canadian Law Times, November, 1920, pp. 907-924).

An interesting and important study of the leader of the so-called "Jacobins" in Upper Canada in 1806.

— — — *Old Province Tales: Upper Canada*. Toronto: Glasgow, Brook, & Company. 1920. Pp. v, 280.

Reviewed on page 406.

— — — *The Solicitor-General Tried for Murder* (The Canadian Law Times, August, 1920, pp. 636-644).

A paper describing the indictment for murder of Henry John Boulton, the solicitor-general of Upper Canada from 1820 to 1833, as a result of his having been an accessory to the Jarvis-Ridout duel in 1817.

— — — *When the Courts of Queen's Bench and Chancery Strove for Supremacy* (The Canadian Law Times, October, 1920, pp. 802-808).

An account of a little-known episode in the legal history of Upper Canada, the conflict between the Court of Queen's Bench and the newly-created Court of Chancery in 1844.

WOMEN'S CANADIAN HISTORICAL SOCIETY OF OTTAWA. *Annual Report, 1919-1920*. Ottawa. Pp. 38.

Contains, in addition to the usual reports, a list of articles presented to the By-town Museum.

WOMEN'S CANADIAN HISTORICAL SOCIETY OF TORONTO. *Transaction no. 18. 1918-1919*. Pp. 48.

The contents of this *Transaction* are (1) a posthumous paper by the late William J. Morris describing Fort Garry in the seventies, and (2) a number of interesting letters written by the Rev. William Boulton, a master at Upper Canada College, during the years 1833-34.

— Transaction no. 19. 1920. Pp. 48.

This *Transaction* contains a number of papers relating to Sir Isaac Brock, mainly Brock's district general orders from June to October, 1812, some of which have never been printed in full before.

(4) **The Western Provinces**

ELLIOTT, T. C. (ed.). *David Thompson's Journeys in Idaho* (Washington Historical Quarterly, April, 1920, pp. 97-103; July, 1920, pp. 163-173).

Reviewed on page 411.

GOODWIN HELEN DURRIE. *Shipbuilding in the Pacific Northwest* (Washington Historical Quarterly, July, 1920, pp. 183-201).

A paper prepared in the course on bibliography in the University of Washington Library School, containing a chronological table of the chief vessels built on the Pacific coast from 1788 to 1895, as well as a list of bibliographical references.

LEWIS, WILLIAM S., and MEYERS, JACOB A. (eds.). *Journal of a Trip from Fort Coville to Fort Vancouver and Return in 1828* (Washington Historical Quarterly, April, 1920, pp. 104-114).

Reviewed on page 412.

MACBETH, R. G. *Famous Canadian Forts* (Canadian Magazine, September, 1920, pp. 391-398).

A popular description of some of the old fur-trading forts in the Canadian west.

**IV. GEOGRAPHY, ECONOMICS, AND STATISTICS**

BARKER, ALDRED F. *A Summer Tour (1919) through the Textile Districts of Canada and the United States.* [Leeds, England. 1920.] Pp. xi, 197.

A book of tourist's impressions, by the Professor of Textile Industries in the University of Leeds.

BOARD OF TRADE OF THE CITY OF TORONTO. *Canada: To the Delegates of the Ninth Congress, Chambers of Commerce of the British Empire, Toronto, September 18-22, 1920.* [Toronto.] Pp. 301.

A sumptuously illustrated descriptive volume about Canada, published for the use of visiting delegates to the Ninth Congress of the Chambers of Commerce of the British Empire. "Care has been taken to have the information given . . . as complete and accurate as possible."

CHARTIER, le chanoine ÉMILE. *La vitalité française au Canada* (Revue Canadienne, vol. xxv, no. 10, pp. 589-604).

A paper dealing with the birth-rate and other evidences of the vitality of the French-Canadian race; read before the Académie des sciences et Politiques in Paris.

CHICANOT, E. L. *Immigrant Conditions under the Maple Leaf.* (2) *English Girls* (United Empire, October, 1920, pp. 530-533).

A brief discussion of female immigration into Canada from Great Britain.

DOUGLAS, R. *The Place-Names of Canada* (Scottish Geographical Magazine, vol. xxxvi, no. 3, pp. 154-157).

A paper read by the secretary of the Geographic Board of Canada before the Association of Dominion Land Surveyors in Ottawa, on February 4, 1920.

GODFREY, ERNEST H. *Fifty Years of Canadian Progress* (Journal of the Canadian Bankers' Association, October, 1920, pp. 53-68).

A statistical survey of Canadian economic progress and development during the past half-century.

HAGUE, FREDERIC. *Immigrant Conditions under the Maple Leaf.* (1) *Soldier Settlements* (United Empire, October, 1920, pp. 527-530).

A brief account of the measures adopted in Canada for placing ex-service men on the land.

HANNAN, A. J. *Land Settlement of Ex-Service Men in Australia, Canada, and the United States* (Journal of Comparative Legislation and International Law, third series, vol. ii, part iii, pp. 225-237).

A brief outline of the working of the Soldier Settlement Act in Canada, as compared with the arrangements made in Australia and the United States.

MEURIOT, P. M. G. *L'Immigration contemporaine au Canada, son caractère nouveau et ses conséquences* (Journal de la Société de Statistique de Paris, June, 1918, pp. 187-197).

A brief statistical study of Canadian immigration.

WILLISON, Sir JOHN. *Agriculture and Industry*. Toronto: Canadian Reconstruction Association. [1920.] Pp. 12.

A speech delivered before the Board of Trade of Woodstock, Ontario, on October 8, 1920.

#### V. EDUCATIONAL HISTORY

[DALHOUSIE COLLEGE, CENTENARY COMMITTEE OF.] *One Hundred Years of Dalhousie, 1818-1918*. Halifax: The Centenary Committee. 1919. Pp. 61.

A charmingly illustrated sketch of the history of Dalhousie College, Halifax, published on the occasion of the centennial commemoration of the college.

SHIPLEY, Sir ARTHUR. *Universities in Canada and in the United States* (United Empire, October, 1920, pp. 539-543).

A paper read before the Royal Colonial Institute on April 27, 1920.

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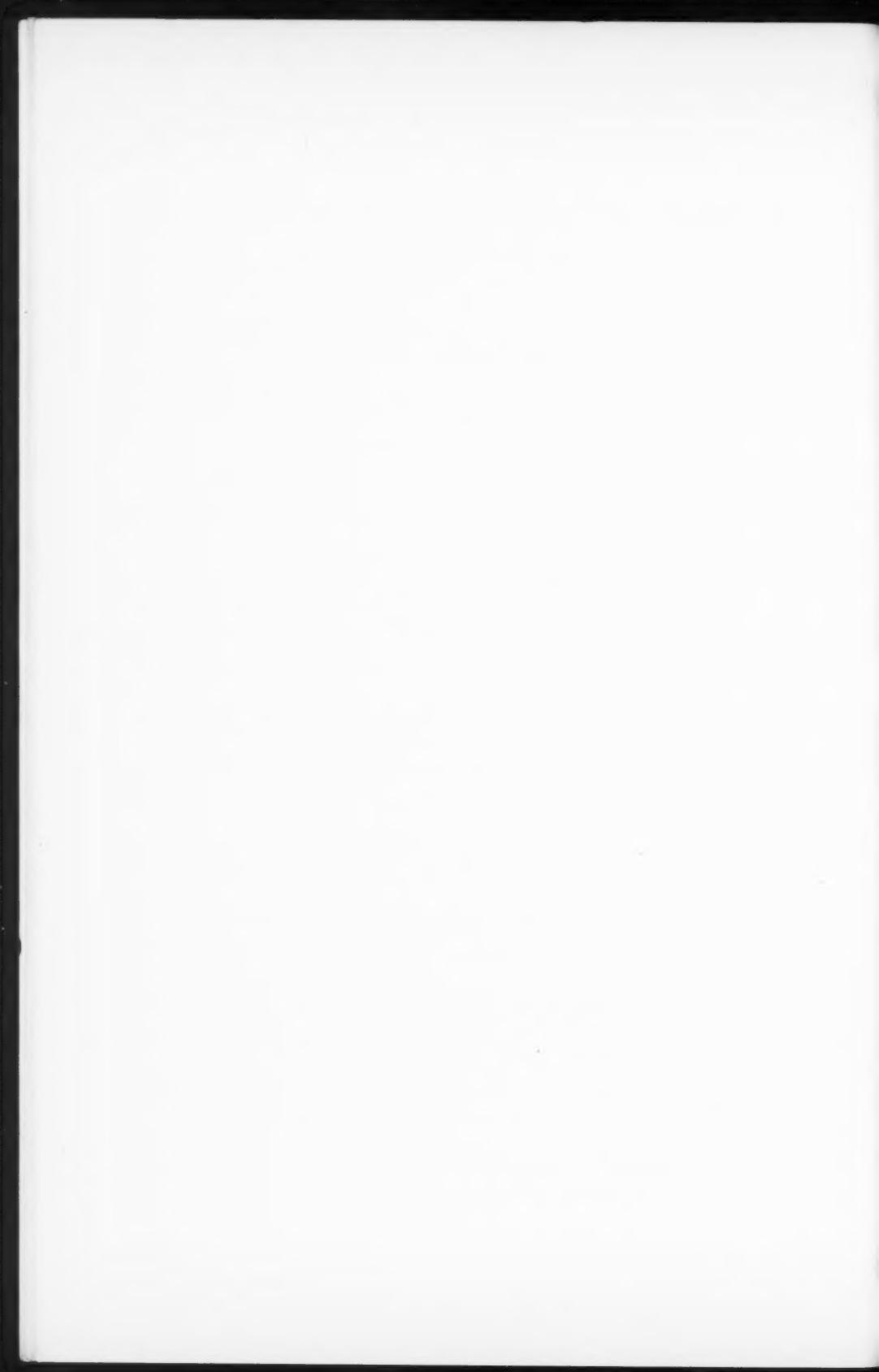
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Section 7 (1). Unless excused for reasons hereinafter mentioned, every adolescent between sixteen and eighteen years of age shall attend Part Time Courses of Instruction, approved by the Minister, for an aggregate of at least three hundred and twenty hours each year distributed as regards times and seasons as may suit the circumstances of each locality when such Courses of Instruction are established in the municipality in which he resides or is employed. This section of the Act is to be effective September 1st, 1923.

Section 9. On and after such date as may be fixed by the Lieutenant-Governor by proclamation, every urban municipality with a population of five thousand and over shall and any other municipality or school section may, through the authorities hereinafter named, establish and maintain Part Time Courses of Instruction for the education of adolescents between fourteen and eighteen years of age. This section of the Act is to be effective on September 1st, 1922.

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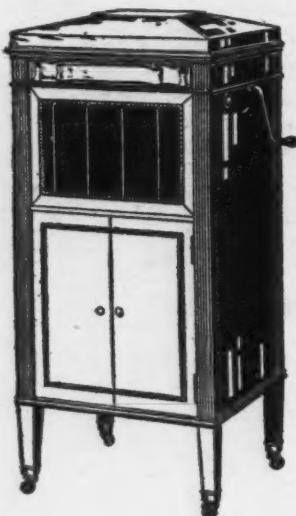
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